

4 November 2019

Ms Lynn Russell
Public Petitions Clerks
Room T3.60, The Scottish Parliament
Edinburgh EH99 1SP
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Dear Ms Russell

COMMENTS IN RESPONSE TO PETITION [PE1751](#)

Calling on the Scottish Parliament to urge the Scottish Government to create legislation to enable local authorities to create no wild camp zones in Scotland.

Ramblers Scotland welcomes the opportunity to respond to the committee with regard to this petition. We are the representative body for walkers in Scotland, recognised by **sportscotland** as a governing body of sport. We help everyone, across Scotland, enjoy walking and protect the places we love to walk. We are a membership organisation with 54 local walking groups in Scotland, running 3,500 group walks a year which are led and organised by 1,200 volunteers.

We set out our main thoughts on the issues raised by this petition below but would be very happy to speak to the Committee in order to elaborate on our comments, if that would be helpful.

Summary

Ramblers Scotland recognises that there are ongoing issues in hotspot areas with an anti-social minority who are damaging the environment, the reputation of campers and the outdoor experience for everyone who loves our countryside. The entire outdoor community shares the frustration of residents about these people, whose selfish actions impact upon communities, landscapes and the thousands of responsible people who enjoy camping away from formal sites across Scotland.

However, we also see many of the problems outlined in the petition as being unintended and unfortunate consequences of a huge success story with regard to an exponential growth in the numbers of visitors coming to Scotland and of people from Scotland and elsewhere enjoying the outdoors. [VisitScotland has [estimated](#) that walking tourism alone is worth £1.26 billion each year to the Scottish economy, which is spent mainly in rural areas.] Yet we sympathise with the intention behind the petition as we believe that many of these issues have arisen due to the lack of long-term investment in tourism and outdoor recreation infrastructure, particularly in rural Scotland, which is still not being fully addressed.

It is important that any measures to manage the issues are based on evidence, otherwise there is potential to inadvertently stop the responsible majority of campers from enjoying all the benefits of accessing our outdoors, while failing to address the actual problems caused by bad behaviour. We have long called for anti-social camping to be tackled through stronger enforcement of the existing laws, provision of facilities and more low-cost campsites, and investment in education on responsible access – rather than new costly and ineffective laws or bylaws, which themselves would need enforced. We also believe that Scottish Natural Heritage and Forestry & Land Scotland have an important role, working with the National Access Forum and Local Access Forums, to produce more up-to-date guidance on how to manage irresponsible behaviour in these contexts and in supporting the creation of new campsites or motorhome facilities. They also have a role in promoting and sharing the good practice in camping management from around Scotland which has built up over the past 15 years to help local communities across the country address these problems.

The issues

We recognise that there has been a huge growth in tourism in recent years, which includes the success of initiatives such as the NC500. This has brought economic benefits to Scotland, especially in rural areas, and health benefits to the whole country as more people are enjoying Scotland's world-class landscapes and nature. Unfortunately, this is not being matched by sufficient resources to safeguard the things we love and which are now at risk, and many rural communities are facing many stresses and strains as outlined in the petition.

In order to tackle these problems, it is firstly important to identify the key causes of these issues and gather data so that any management measures are based on evidence, are appropriate and proportionate and target the right people. It would be a huge step backwards if hard-won access rights were removed from all members of the public without a proper understanding of the real issues and ways to address them.

Littering – it is worth remembering that roadside problems blamed on tents often have nothing to do with campers. They can instead be caused by drunken all-night parties, fly-tippers, day-time picnickers and passing litter-lout motorists. This is evidenced by the laybys beside busy A-roads across Scotland that will never have seen a tent, yet are ruined by litter, human waste, discarded nappies, burned-out bins and building site rubble. In most locations a minority of inconsiderate wild campers are just part of a wider societal problem that won't go away simply by banning camping.

We have also seen plastic bags of litter tied up and left in the corner of laybys or car parks by people who used the area to camp. This is due to a lack of any litter bins in these areas and the expectation by people who are likely to live in urban areas that these bags would be collected by the authorities. Clearly these campers should have removed the litter themselves but this behaviour suggests that if litter facilities were available they would have been used. Also, if it proves impossible to provide litter collection in certain popular locations, then these people are likely to be relatively easy to influence in terms of behaviour change if they are made aware of the local situation in terms of local refuse services and where the nearest bins are available.

Fires – the petitioner claims that wildfires are caused by irresponsible campers. While in some instances this may be the case, it is important that evidence is gathered to find out how to target perpetrators correctly. For example, it is clear from cycling along many rural roads and seeing the tracks of wildfires that a number of these fires are caused by car drivers throwing cigarette butts out of vehicle windows. Likewise, there is evidence that some wildfires in Scotland are initially caused by out of control muirburn activities. This is not to say that campers don't inadvertently cause wildfires in some cases, but it is important to put this into context and ensure the real perpetrators are being tackled. We continue to work to promote information relating to responsibilities around fires, often in partnership with other organisations.

Campervans/motorhomes – the petition focusses on irresponsible behaviour and issues caused by the high number of campervans and motorhomes in Scotland. We offer some thoughts below.

It should be noted that vehicles subject to roads and transport legislation rather than access legislation and therefore any remedies need to be compliant with both legal contexts. Vehicles can only be parked by right on the public road or a layby, although drivers are not causing an offence if they park up to 15 yards from a road. Landowners can withdraw that permission, but this runs the risk of displacement into other areas without resolving the issues, or of drivers parking inappropriately elsewhere and causing further problems such as by blocking gates, etc.

There are a number of examples, both from within Scotland and from other European countries, of how issues relating to vehicles could be addressed. We have seen facilities created and [guidance](#) produced from the Outer Hebrides to cope with high numbers of motorhome traffic. In the Trossachs section 61 of the Criminal Justice and Public Order Act has been [used](#) to restrict the period of time vehicles can park on land. From Europe there are many examples of

communities creating places to pull off the road, which for a small fee provide water, toilets and chemical waste disposal points. While we believe there is an opportunity for local businesses such as hotels to provide motorhome hook-ups in their vicinity, we also believe that there is a clear role for government agencies such as Forestry and Land Scotland to provide such facilities. For community groups who would like to develop sites but landowners are refusing to make land available for them to develop, this should be subject to right-to-buy applications under the Land Reform (Scotland) Act 2016. Such sites would not only bring in an income but also encourage use of local shops, cafés and hotels.

Camping – 'Wild camping' is lightweight camping, well away from civilisation, usually by climbers and walkers. 'Informal camping' is a wider term for those who are camping outwith a campsite, perhaps by a road or loch, and often near a car. Quite rightly, both are covered by statutory access rights, if done responsibly.

People in Scotland are rightly proud of our fantastic access legislation, secured in 2003 through the Land Reform Act. Our access rights are the envy of the world, but as with any legislation, they require investment to perform most effectively. In recent years we have seen far too many cuts to the services and facilities that help people experience all the health and wellbeing benefits of camping and being outdoors – such as local policing, ranger services, toilets, litter bins, access officers and education.

For lots of people, particularly from lower income families, a weekend car camping with their family as a child will be their first taste of the magic of the outdoors, which could lead to a lifelong love of outdoor recreation. It's so important that this type of budget experience is still available to everyone.

In many instances, responsible roadside camping away from houses is legal, legitimate and simply the best option. For example, winter climbers arriving late ahead of a pre-dawn start, cycle tourers, disabled campers who benefit from being near their car, canoeists and anglers at road-circled lochs and long-distance walkers. Most roadside campers will leave no trace of their visit and often carry out more litter than they have created. It's important that the outdoor community fosters a culture in which this becomes the norm. Removing camping rights because some people are abusing them will also affect the many thousands of people who camp responsibly.

Possible responses to the issues raised

Rather than banning campers, the best solution is for local partnerships to be set up between communities, local authorities, recreation bodies, landowners and others, including Local Access Forums, to trial various visitor management measures. These should be monitored and adjusted as time goes on to find out what works best, allied to enforcement of existing legislation. Any successes should be shared between communities in other parts of Scotland facing similar issues through Scottish Natural Heritage, given its statutory role in promoting responsible access through the Scottish Outdoor Access Code.

Investment – we welcomed the Scottish government's £6m rural tourism infrastructure fund in 2018, but this is nowhere near enough to counter the many years of underinvestment in Scotland's tourism infrastructure which is coming under strain from both the exponential rise in tourism numbers and the budget cuts faced by local authorities. We continue to call for further investment in physical infrastructure such as toilets, car parks, litter bins, campsites, campervan hook ups and paths. As mentioned above, we believe Forestry and Land Scotland, Scottish Natural Heritage and national park authorities have a clear role where they are owners and managers of public land to lead in the development of such infrastructure and to support local communities elsewhere. We also believe there are opportunities for local businesses to establish these facilities.

Incentives to raise money locally – charging for car parking, hook ups, etc, is a way of raising revenue to support investment in infrastructure. However, it is crucial that it is made clear to visitors at the point of charging that all the money raised is invested into providing and improving the local facilities as this means the charge is not only more willingly paid, but it also adds legitimacy to the need for charging as it's recognised that everyone will benefit. We are aware that the previous body Forest Enterprise re-invested all the funds raised from its car parking facilities into visitor management and recreation provision and other large organisations should undertake the same commitment. Similarly the introduction of tourism taxes are decisions for local authorities to make but most tourists recognise that it costs money to maintain roads and facilities and generally are willing to pay a small contribution. Conversely, there was legitimate anger from walkers over the decision by Argyll & Bute Council to charge up to £9 for parking at the Cobbler car park in Arrochar when it was clear that the money was going into the general council budget and not towards local path maintenance or improved car park facilities.

Enforcement – we recognise issues of capacity within rural police forces relating to enforcement of existing legislation like breach of the peace, vandalism and littering. However, we believe lessons can be learned from Operation Ironworks in Loch Lomond & The Trossachs NP which had some success in east Loch Lomond. For example, police concentrated on areas known to be hot spots and often those people carrying out anti-social behaviour were also found to be in breach of traffic regulations, such as not having car insurance. Another successful strategy was to visit campers in the evening and if large amounts of litter was lying nearby a fixed penalty notice was served, on the understanding that if the area was re-visited by police the next day and no litter was seen, then the notice would be cancelled.

Guidance – we were part of a National Access Forum group which developed [guidance](#) on managing informal camping for land managers when the legislation came into effect and we are keen to update that guidance and help to share good practice. For example, we have long called for guidance on responsible use of motorhomes and campervans and are pleased that Forestry and Land Scotland is now starting to work with partner organisations on drawing this up. Guidance alone isn't the answer, but it does give a framework for local authorities, communities and land managers who are trying to deal with problems and suggest a range of measures and strategies to use.

Education – it is unfortunate that ranger services and other related local authority roles such as access officers and community wardens have been reduced due to cuts to local authority budgets. While rangers are not equivalent to police officers, they provide a very necessary proactive and positive approach to education and responsible behaviour with regard to the Scottish Outdoor Access Code. Recreation organisations such as ourselves continue to promote messages of responsible access to a range of audiences – and we intend to play an even greater role in these efforts in the coming years.

Regulation/lessons from Loch Lomond & The Trossachs NP byelaws – we enjoy working alongside LLTNP colleagues on a huge range of issues, and we have long recognised that problems relating to irresponsible camping have arisen in parts of the park and elsewhere in Scotland. However, we disagree that byelaws are the solution here - and experience over the last two-and-a-half years shows that byelaws are far from a magic bullet.

We must remember that byelaws are not cheap – in fact, the camping management strategy cost the national park more than £1 million in its first two years. We would love to have seen the positive impact of this money being invested in championing access and making existing legislation work more effectively. For example, the park has failed to provide enough facilities to deal with the numbers of people who understandably want to come and enjoy their special environment. There are many permit sites with no toilets nearby, and inevitable issues with human waste. To some extent, the byelaws have condensed the problems with over-use, putting even more pressure on the small number of sites and there continue to be serious issues with anti-social behaviour, litter and environmental damage within Camping Management Zones, despite the permit system.

We believe the byelaws are deterring people from camping, criminalising responsible campers and failing to resolve many of the issues they were designed to tackle. We know around 2,000 people have already been cautioned, simply for trying to camp in this beautiful part of Scotland. The small number of real trouble-makers were reported to the Procurator Fiscal, just as they could have been before byelaws.

We therefore believe that byelaws are not a workable solution for other local authorities, especially given that they are less well-resourced to implement them than the national park authority. However, the Land Reform (Scotland) Act 2003 itself offers a number of remedies, such as section 11 which removes access rights from an area of land or enables an entry charge to be made, or section 29 which empowers Scottish Natural Heritage to protect the natural and cultural heritage. In addition, there may be a role for management rules in particular locations to effectively manage some activities, especially for temporary periods of time, where access authorities are the landowners.

In conclusion, there are many benefits to Scotland's economy and health which arise from the growth in tourism and enjoyment of the outdoors. However, there is also a need to support these visitors with resources to safeguard our environment and infrastructure, ensure that there are sufficient facilities and long term educational work, along with appropriate enforcement where required.

We hope the comments above are useful and would be happy to discuss them further with the committee.

Yours sincerely

Helen Todd
Campaigns & policy manager