

17<sup>th</sup> June 2015

Dr Aileen McLeod, MSP  
Minister for Environment, Climate Change and Land Reform  
St Andrew's House,  
Regent Road,  
Edinburgh EH1 3DG

cc Gordon Robertson, Scottish Government, Forestry and Environment Directorate  
[NationalParks@Scotland.gsi.gov.uk](mailto:NationalParks@Scotland.gsi.gov.uk)

Dear Minister

### **Loch Lomond & the Trossachs National Park camping byelaws**

Ramblers Scotland is writing to confirm that we are upholding our objection to the proposed byelaws to ban camping from certain areas within Loch Lomond & the Trossachs National Park, as set out in the Your Park proposals submitted to Scottish Ministers by the park authority on 18<sup>th</sup> May. We hope you will take this objection into account when considering approval of these byelaws. As a national governing body of sport, we are members of the Scottish Sports Association and support their call for a ministerial inquiry into this matter for the reasons set out in their letter to you.

Below, in Appendix 1, we set out our main concerns regarding this proposal and our suggestions for solutions to the issues surrounding informal camping. We also attach for your information our letter of objection to the park's consultation which ended in January 2015 (Appendix 2), and a copy of the Scottish Natural Heritage guidance on informal camping management (Appendix 3) which was drawn up following advice from the National Access Forum, and which is referred to in our comments. We firmly believe that byelaws should not be considered before new camping provision and other facilities are created and their effect monitored for a number of years.

I trust you will find these comments useful and I look forward to meeting you on 3<sup>rd</sup> September when Ramblers Scotland and the Mountaineering Council of Scotland have an appointment to discuss these concerns with you.

Yours sincerely

Jess Dolan  
Director

President : Dr Andrew Murray  
Convener: James Lawson  
Director: Jess Dolan

The Ramblers' Association is a registered charity  
England & Wales no 1093577, Scotland no  
SC039799) and a company limited by guarantee,  
registered in England & Wales (no 4458492).  
Registered office: 2<sup>nd</sup> floor, Camelford House,  
87-90 Albert Embankment, London SE1 7TW

## Appendix 1

### Ramblers Scotland's comments on Loch Lomond & Trossachs Byelaws, June 2015

Scotland's access legislation gives everyone a right to access most land and inland water in Scotland, and also includes the right to camp outwith formal campsites. All rights come with responsibilities and Ramblers Scotland was one of the organisations involved in drawing up the guidance on responsible access which is published as the Scottish Outdoor Access Code.

In summer 2011, the justification for Loch Lomond and the Trossachs National Park introducing byelaws along a section of the east shore of Loch Lomond was that this area faced a unique set of historic issues arising primarily from anti-social and other criminal types of behaviour relating to some groups of informal campers. Ramblers Scotland objected to the byelaws on the basis that they would also affect responsible campers such as those walking the West Highland Way, a section of which passes through the byelaw zone. We believed that existing laws should be used to tackle criminal behaviour. However, the byelaws came into effect and assurances were made that these were a short term measure to change behaviour as part of a package of other management measures, and that there were no plans to extend byelaws further. See <http://www.bbc.co.uk/news/uk-scotland-tayside-central-12698722>

However, in October 2014, the Park announced a new consultation on extending the byelaws to many other lochsides within the park. They claimed that the camping byelaws had led to a huge decrease in the problems along east Loch Lomond, despite the fact that in our view it was impossible to isolate the camping ban from the other measures which were implemented at that time. While we supported many of the proposals within the Your Park consultation relating to infrastructure investment and visitor management, we strongly opposed the introduction of an extension to the camping byelaws.

Following the consultation exercise which ended in January 2015, we are upholding our objection to the proposed byelaws for three main reasons :

- they are an inappropriate measure to deal with camping issues that will affect too many people who are (or would like to be) camping responsibly and complying with the Scottish Outdoor Access Code (SOAC);
- those who are acting irresponsibly or criminally will simply be moved on to other locations, causing problems elsewhere;
- using byelaws plus the proposed camping permits in this way undermines the statutory rights of access established in 2003 and would set precedents for excessive regulation of any activities which are covered by the 2003 Act.

However, we also wish to make it clear that we acknowledge there are significant problems arising from certain roadside camping activities which take place along the lochshores within the national park. We have sympathy for local residents, the police and the park authority who have had to deal with the difficulties which have arisen over the years. Nevertheless, we do not accept that byelaws are required to deal with these problems. We support the range of management options which are set out in the National Access Forum guidance on managing informal camping. This guidance recognises that byelaws are a potential management tool but they should be used as a last resort, following measures such as education, managing car parking, and the provision of facilities and managed campsites. This guidance is attached at Appendix 3, and can also be found at: <http://www.outdooraccess-scotland.com/Access-management-guidance/camping>.

## **Our concerns with the specific byelaw proposal**

- An excessive area of the Park, including some of its finest locations, would be affected. The Park's claim that only 3.7% of the park is affected is misleading, as it translates to over 150km of lochsides in precisely those areas of the Park which are most easily accessible and most attractive. The zones also include significant sections of the West Highland Way as well as some of the cycle routes in the Park, as at Loch Venachar (maps 4a, 4b).
- The Park has not made sufficient use of existing legislation, which should be used to tackle criminal behaviour as in recent notices at Loch Earn posted by the Park and Drummond estates which relate to parking and refer to the Criminal Justice and Public Order Act 1994. Also Park Rangers, as of 2014, have authority to issue on the spot fines for littering – we do not know, as yet what impact this new power will have.
- An excessive time period in the year would be affected by these regulations. The park's own evidence shows the biggest issues occur over certain weekends between May and August, so to run the byelaw from 1 March-31 Oct is overly restrictive.
- The areas cited by the Park are extremely popular locations with many visitors choosing to take their leisure time in these places. The impact of this footfall is cited by the park as one of the problems faced. However these areas are also lacking in suitable facilities and infrastructure for visitors, as stated in the Park's letter to the Minister (p1): "these spectacular lochshore areas experience significant periods of intense camping pressure, often in areas with little or no infrastructure to support such activity" and "the absence of toilet facilities ... results in significant amounts of human waste and associated soiled paper around many sites". Our solution is that suitable facilities should be developed to cope with the impact of visitors, rather than introducing byelaws to inhibit recreation activities.
- The Park has failed to provide adequate camping facilities during the 13 years of its existence and this needs to be addressed. Camping byelaws would do nothing to solve this. The park's own evidence shows up to 800 tents have been counted on busy weekends, so their proposals for 80 places in campsites (the number includes 29 already existing at Salloch/Lubnaig) fails to meet existing demand.
- The result of the byelaws without adequate alternative campsites being in place is likely to be displacement beyond the management zones on busy weekends. These people will either go elsewhere in the Park where there are no plans to develop facilities, or they will go to other areas outwith the park which are not nearly as well resourced. This simply shifts problems and could lead to further calls for byelaws elsewhere. The effects of this potential displacement of campers and anglers has not been analysed by the Park.
- The Park proposal to top up the 80 campsite places to around 300 by issuing permits to camp in specific areas within the management zones does not necessarily amount to the creation of a facility. The primary process that the Park is going through is an attempt to convert a statutory right into an activity that is dependent on seeking permission from the Park and landowner. The introduction of permit based systems would be a fundamental overturning of the 2003 Act.
- The Park is misusing the national parks legislation to imply that conservation takes priority over recreation in ways which cannot be managed using the 2003 Act. The Sandford principle is being invoked, but this is misleading, and there are other remedies to restrict camping in certain areas such as s.29 of the Land Reform Act, or they could provide proper campsites to minimise any damage being caused. In any case the Park has produced no evidence that camping causes significant or lasting damage: most camping takes place outwith the breeding seasons and the

erosion of vegetation where it takes place is confined to small patches which, as the Park's photos show, regenerate rapidly.

- The Park's reliance on East Loch Lomond as a model for how byelaws have worked is misleading, as it was one of a package of measures, and there is no specific evidence of the role of byelaws when compared to other measures also introduced. The evidence base for establishing camping byelaws is also questionable. The Park's claim of crime reduction by 81% due to ELL byelaws is a misleading use of statistics, since this does not just apply to the area covered by byelaws and includes Drymen – the Drymen agricultural show was cancelled during the year covered by these statistics and would likely contribute significantly to the reduction in crime as it has a record of anti-social behaviour.
- An adequate business case for introducing these byelaws has not been made and no cost comparisons have been made for alternative solutions. The budget for the byelaws introduction and implementation has barely been mentioned – what is the cost-benefit analysis of not/introducing byelaws?
- Insufficient effort has been made to try and reach agreement with national outdoor recreation interests on potential solutions. There is too much focus on local and not national perspectives.
- The Park is rewriting the Land Reform Act to exclude car based camping, which is not in line with SNH guidance.

### **Issues with the consultation process**

- The Park has conflated some specific problems involving encampments of caravans or tents (often for months on end) with short-term visits by campers. Many residents and community councils who responded to the consultation gave their support for the byelaws in terms of the need to deal with long term encampments. Those communities may not have been told that other solutions exist, as recently demonstrated by Drummond estates on Loch Earn and noted above, where restrictions on parking are being publicised in line with public order legislation.
- There is a misleading classification of some of the responses in terms of being supporters. It is clear that some of the organisations gave at best conditional support, and most of these conditions have not been met so we believe these have been mis-classed according to the park's summary analysis.
- As noted above, we have concerns about the Park's use of police evidence to back up the case for byelaws.
- There was a failure to involve the Local Access Forum in the process, especially the statutory requirement to consult the LAF in a timely fashion.
- There was a failure to fully consult with national recreation interests before drawing up the byelaw proposals.
- There was a failure to consider a broad range of options, or to amend or delay the implementation of these byelaws based on the consultation responses.

### **Suggested solutions**

We acknowledge that the park authority has been working for many years to manage the visitor pressures faced by the park, and we are particularly supportive of the partnership approach of the Operation Ironworks and Respect the Park initiatives. This work needs to be on-going on a continuous basis, especially over busy summer weekends, and any suggestion that byelaws could reduce the need for other measures is misleading. Ramblers Scotland would support any calls by the park authority for further resources to implement the other measures outlined below.

Recreation bodies have long had experience in helping to manage a range of issues caused by visitor pressures, and therefore Ramblers Scotland would be pleased to work with the park authority and other recreation organisations to develop workable solutions. We have already suggested to the Scottish Sports Association that it facilitates regular meetings with both park authorities and the SSA's Outdoor Pursuits Group of governing bodies with an interest in outdoor recreation, to ensure regular dialogue takes place.

The SNH guidance on managing informal camping, which was drawn up following advice from the national Access Forum (Appendix 3), gives a number of solutions which should be tried before byelaws are considered as a last resort. We believe that many of the problems occurring in the Loch Lomond & the Trossachs National Park which relate to informal camping could be minimised if there was sufficient provision of facilities to enable people to act responsibly without much effort, such as:

- Existing powers within the Land Reform (Scotland) Act 2003, such as s.11 to exempt certain areas from access rights for short periods, or s.29 which gives SNH the power to protect the natural heritage.
- Provision of more toilets.
- Provision of litter bins and collections from campers who are supplied with bin bags, with a consistent approach to litter collection by local authorities coordinated by the park.
- Provision of a range of camping options, from more serviced sites like at Salloch to very informal, temporary sites, such as the setting aside of a field with water and toilet facilities for busy weekends. The compulsory purchase powers created under the National Parks (Scotland) Act 2000 should be used for this purpose.
- Restrictions on parking on roadsides with the nearby creation of new car parks, so that day visitors and those wishing to launch kayaks and other sailing craft would not be unable to use these lochsides,
- Consideration of alcohol byelaws in certain locations.

Many other national solutions could be considered. For example, one of the biggest reported issues is of littering. Campers cannot be blamed for all litter in the park, since we are aware that day visitors, passing drivers and land managers all contribute to litter, as well as the marine litter found on lochshores. Indeed, this is a Scotland-wide problem, and we would propose a stepping up of national solutions to help resolve this issue, such as a deposit system for cans and bottles investigated in a report from Zero Waste Scotland: <http://www.zerowastescotland.org.uk/content/drinks-cash-deposit-scheme-scotland-%E2%80%93-new-report-explores-options>

Our immediate concerns are related to threats to responsible campers rather than to the problems of long-stay encampments of caravans which are also outlined in the park's consultation documents. However, given that we have recently seen signage restricting parking to 3 days on Drummond estates (signage erected in partnership with the park authority), it would appear that lack of knowledge of who owns certain stretches of layby or lochside could be one of the problems faced by the park authority in dealing with such issues. The forthcoming land reform legislation should help to deal with this particular matter if land registration is part of this programme of legislation, as anticipated.

-----

Appendix 2: Our response to the Park's consultation, downloadable here:

<http://www.ramblers.org.uk/policy/scotland/current-issues-and-consultations.aspx>

Appendix 3: Guidance on managing informal camping, Scottish Natural Heritage:

<http://www.outdooraccess-scotland.com/Access-management-guidance/camping>.