

Briefing for the Public Petitions Committee

Petition Number: [PE1751](#)

Main Petitioner: Kirsteen Currie

Subject: Create no wild camp zones in Scotland

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

Background

“Wild camping” means pitching a portable shelter for one or two nights on unenclosed land, not using a formal, managed campsite.

This style of camping is well established in Scotland and has a strong “leave no trace” ethos. However, with the development of tourist routes such as the [North Coast 500](#), as well as increasingly cheap tents and camping equipment, the prevalence of irresponsible camping appears to be increasing. In August 2019, the representative organisation Mountaineering Scotland [called for a joint approach to tackle dirty camping](#), stating:

Roadside camping is where the problem is worst, where people pitch camp close to where their car is parked, and leave behind plastic and glass, burnt ground and even camping kit and human waste.

[...]

Wild camping is usually done well away from roads and buildings, is lightweight, done in small numbers and only for two or three nights in any one place. Roadside camping is not usually considered wild camping, although it does take place and is lawful if done responsibly.

Official lay-bys that form part of the roads network allow drivers (including motorhomes) to stop and rest on their journey, including overnight.

Legislative Background

Part 1 of the [Land Reform \(Scotland\) Act 2003](#) provides for a right of responsible access, and an [Access Code](#) which states that access rights extend to wild camping, and that:

You can camp in this way wherever access rights apply, but help to avoid causing problems for local people and land managers by not camping in enclosed fields of crops or farm animals and by keeping well away from buildings, roads or historic structures. Take extra care to avoid disturbing deer stalking or grouse shooting. If you

wish to camp close to a house or building, seek the owner's permission. Leave no trace by:

- taking away all your litter
- removing all traces of your tent pitch and of any open fire
- not causing any pollution.

Further guidance is also given on [lighting fires](#), [human waste](#), and [campervans](#) which states:

Access rights do not include motor vehicles and there is no specific guidance on campervans and motorhomes in the Scottish Outdoor Access Code. There is no legal right to park beside the road overnight, but there may be no objection to this in some instances - so extra care is needed.

[Section 12 of the 2003 Act](#) relates to byelaws in relation to land over which access rights are exercisable, and provides powers for local authorities to make byelaws providing for:

- the preservation of public order and safety;
- the prevention of damage;
- the prevention of nuisance or danger;
- the conservation or enhancement of natural or cultural heritage.

These byelaws may, in particular:

- prohibit, restrict or regulate the exercise of access rights;
- facilitate their exercise.
- so as to protect and further the interests of persons who are exercising or who might exercise access rights, prohibit or regulate:
 - the use of vehicles or vessels;
 - the taking place of sporting and recreational activities;
 - the conduct of any trade or business;
 - the depositing or leaving of rubbish or litter; and
 - the lighting of fires and the doing of anything likely to cause a fire, on the land.

Any such byelaws would be subject to consultation, and scrutiny by Scottish Ministers, possibly involving local inquiry.

Scottish Government Action

National Park Authorities also have similar powers to make byelaws under [Schedule 2 of the National Parks \(Scotland\) Act 2000](#).

These have been used, controversially, by the Loch Lomond and the Trossachs National Park Authority to create a [Camping Management Byelaw](#), approved by Scottish Ministers in January 2016, and introduced on 1 March 2017.

Under the byelaw, there are now [camping management zones](#) in the Park, which cover around 150km (and 4% of the total park area) of the most popular loch shores. Inside these zones, informal camping is prohibited from March to September. Instead, the National Park Authority provides basic sites, for which a permit can be purchased in advance, for £3 per night.

These byelaws were [strongly criticised and opposed by Ramblers Scotland and the Mountaineering Council of Scotland](#) (now Mountaineering Scotland), as well as the [Parkswatchscotland blog](#). Ramblers Scotland [stated](#):

Sure, there's an issue with very irresponsible behaviour by some campers in the national park, but the whole point of Scotland's access legislation is that if you're not acting responsibly, you can be charged under other criminal laws for your behaviour – whether it's a breach of the peace, vandalism or littering. By removing the right to camp, this penalises those campers who are acting responsibly, while not using the right legislation to punish those causing the problems in the first place.

To date, two annual updates on the byelaw have been provided to Scottish Ministers ([2017](#), [2018](#)), and a review of its operation is expected to take place in 2020.

Scottish Parliament Action

On 24 February 2016, the following question was asked at Portfolio Question Time:

Camping Management Byelaws (Loch Lomond and the Trossachs National Park)

Siobhan McMahon (Central Scotland) (Lab): To ask the Scottish Government whether it will provide an update on the proposed camping management byelaws for the Loch Lomond and the Trossachs national park.

The Minister for Environment, Climate Change and Land Reform (Aileen McLeod): On 26 January, the Scottish Government approved new camping management byelaws that cover a small area of the national park, as part of a package of measures that are aimed at improving visitor facilities and helping to manage camping in some of the most environmentally fragile areas that are suffering from damage caused by a combination of high-volume and antisocial camping.

Siobhan McMahon: As the minister will recall, I wrote to her in November 2015 after I received a large number of representations from my constituents expressing concern about proposed byelaws that would affect camping in the national park. They believed that such byelaws would infringe their rights, could lead to further restrictions and would unfairly penalise the vast majority, who adhere to and comply with the Scottish outdoor access code.

Can the minister assure me that individuals' legal rights of access, as established in the Land Reform (Scotland) Act 2003, are not being undermined and that no precedent has been set for the introduction of any further restrictions in our national parks?

Aileen McLeod: The measures should not be confused with the intentions behind the Land Reform (Scotland) Act 2003. The byelaws deal with specific circumstances in a national park where steps must be taken to prevent environmental damage caused by a combination of overuse and irresponsible behaviour.

Both the National Parks (Scotland) Act 2000 and the Land Reform (Scotland) Act 2003 make provision for byelaws in relation to responsible uses of land. Access rights must be exercised responsibly, but unfortunately certain areas of the national park are suffering from considerable environmental damage, and local communities are having to deal with the negative impacts of the worst excesses of irresponsible behaviour.

The proposals to manage camping activity are designed to promote recreational access for all types of users, and not just campers, in the proposed management zones. The measures in the national park do not affect access rights in other parts of the country, and there is no evidence that the east Loch Lomond byelaws have led to calls for similar byelaws to be considered elsewhere in Scotland.

Relevant Links

North Coast 500: [Leave No Trace](#) (September 2019)

BBC News: [Bid to tackle anti-social campers in Highland Perthshire](#) (August 2019)

BBC News: [Anger amid rise in 'dirty camping' in rural Scotland](#) (August 2019)

BBC News: [Loch Lomond and Trossachs National Park camping by-laws come into force](#) (March 2017)

Parkswatchscotland: [A critical look at the LLTNPA's report to Ministers on the camping byelaws](#) (December 2017)

Parkswatchscotland: [Not a National Park Authority but a Camping Management Authority](#) (March 2018)

UK Climbing: [Why I Broke the Loch Lomond Camping Byelaws](#) (June 2017)

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01 October 2019

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