

## PE1751/D

Mountaineering Scotland submission of 8 November 2019

Mountaineering Scotland is a membership organisation with over 13,000 members and is the only recognised representative organisation for hill walkers, climbers, mountaineers and ski-tourers who live in Scotland or who enjoy Scotland's mountains, and acts to represent, support and promote Scottish mountaineering. Mountaineering Scotland also acts on behalf of the 80,000 members of the British Mountaineering Council (BMC) on matters related to landscape and access in Scotland, and provides training and information to mountain users to promote safety, self-reliance and the enjoyment of our mountain environment.

Firstly, we want to say that we understand the situations that have prompted the complaints expressed in this petition. We have seen statements in social and traditional media where the frustration and anger of land managers and local communities have been expressed at their helplessness to deal with litter and waste left behind by irresponsible camping.

However, we cannot support the call for no wild camp zones as we think that this is not an effective way to tackle the problems experienced in different parts of rural Scotland by anti-social camping. Firstly, there is existing legislation that is able to deal with irresponsible and criminal behaviour, which requires coordination of resources to deal with local situations. Secondly, the creation, implementation and enforcement of new powers is likely to be a costly exercise for the public purse, with uncertain outcomes of monitoring and enforcement.

Our starting point is that we think that the wording of this petition conflates a number of related but separate issues regarding informal camping. We think it would be helpful to try and define more accurately what the petitioner is calling for, and to explore possible solutions.

Informal camping – that which is done outside of formal campsites – is enabled in Scotland through the Land Reform (Scotland) Act 2003 (LRSA) where everyone has a right to be on most land in Scotland for recreational and other purposes. The Act goes on to say that a person has access rights only if they are exercised responsibly. The key point to take from this is that it is the behaviour of certain campers rather than the activity itself that is the problem.

As the committee has already noted in its consideration of the petition on 10th October the activity of wild camping has a definition, set out on page 115 of the Scottish Outdoor Access Code (SOAC):

*“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 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 (follow the guidance for lighting fires);*

*not causing any pollution."*

It is our view that wild camping as described above is a subset of informal camping, taking place well away from buildings and roads. It is an activity that many of our members and other hillwalkers participate in; getting out to enjoy Scotland's stunning scenery and the outdoor lifestyle, with all the health and wellbeing benefits it brings.

Informal camping beside and near to roadsides is lawful under the LRSA and by following this clear guidance given in SOAC, those taking recreational access to the countryside can avoid causing problems for land managers and the natural environment. Many people already do this, but it is difficult to quantify the number of people who do so as, by its definition, it is hard to detect this light-touch camping.

Informal camping has a long history in Scotland and has in some places raised behavioural issues of littering and nuisance. The component parts of informal camping have been very clearly articulated and addressed in a publication by the National Access Forum: Managing informal camping under the Land Reform (Scotland) Act 2003 - Guidance Paper for land and recreation managers (updated 2016) - <https://www.outdooraccess-scotland.scot/managing-informal-camping-under-land-reform-scotland-act-2003>. This paper sets out the range of activities that come under informal camping and highlights the various problems that can arise from the behaviour of some campers. It also goes on to comprehensively list in an appendix the various legislative and regulatory measures currently available to address these different aspects of irresponsible and criminal behaviour while camping.

It is important to state again that informal campers, those following SOAC guidance, will cause no problem and leave little trace of their activity. Roadside camping is lawful if done responsibly.

Petition PE1751 in our opinion focuses on the informal roadside camping, not wild camping well away from roads and buildings. The petition raises this matter specifically as a result of the success of the NC500 tourism marketing campaign.

The wording of the petition gives rise to two specific aspects of this roadside activity that must be separated out. One is the informal camping that may be more clearly defined here as antisocial, informal roadside camping, which may take place near to roads if not immediately beside them. The other is motorhome tourism; the use of

laybys, car parks and road verges by tourists in motorhomes and campervans as a brief overnight alternative to formal campsites.

The main complaint of the petition in our view is that it is motorhome tourism activity that is causing problems and frustration for communities in the north of Scotland; on the North Coast 500 and other tourist routes – where they park and the waste that is left behind.

This is an issue generated by vehicle-based tourism, not informal or wild camping in the sense that is defined in SOAC. This is the result of a successful marketing campaign bringing money into scenic rural Scotland, where initiatives to support and manage the increase in tourism have not kept pace with the interest and demand.

From the complaints expressed it seems to be more about limited resources to deal with motorhome tourism outside of formal campsites – the requirement for measures to deal with local issues, such as the provision of facilities to take waste and the ongoing management of facilities.

Our view is that what is needed here is not a general ban on informal camping, but investment in facilities and infrastructure to manage tourism in the summer months, along with a raised awareness of the ethos of Scotland's access rights, that with rights come responsibilities.

A potential solution to this problem is a form of Community Planning and to apply this to areas where reports of problems exist. Community planning is where public bodies, local communities and land owners work together and make best use of all available resources to find effective solutions. It is a matter of delivering what is required, to make it easier for people to do the right thing rather than prohibit activity.

This solution could also help with the other type of informal camping that causes concern to land managers and local communities in other areas – the mess of litter, human waste and fire pits left behind by campers who behave irresponsibly by not following the SOAC guidance.

Informal and wild camping is a valued activity in Scotland and we are strongly of the opinion that the activities of a few should not diminish the freedom enjoyed by many more. Informal campers should not be criminalised for undertaking the activity of camping; it is the behaviour of campers, either through ignorance of the right thing to do or plain criminal behaviour, that needs addressing through resource allocation and management.

From reports in social and traditional media over the past few years there appear to be different problems in different areas. Also, it is important to reflect on the increase

in reports about this and query whether this is actually an increase in activity or an increase in publicity and wider awareness of the matter.

It is our opinion that there is no 'one size fits all' solution and that different situations will require different solutions. A general ban on the activity would be unhelpful as it would need enforcement by the same agencies that struggle to manage the current situation, and that, without addressing behavioural activity, there is the strong probability that a ban in one area will displace the same activity elsewhere.

We would strongly suggest that a review of potential problem areas needs to be evidence based: what is the matter that is causing local concern, when does it happen and who is responsible? Then it is a matter of land managers, local communities and public authorities and agencies sitting down and sharing and applying limited resources to tackle the specific problems.

As noted above, there are measures available in existing legislation to deal with anti-social and criminal behaviour. It is the lack implementation of this that seems to be the cause of local frustrations.

Coupled with the need to share resources and manage problem locations there is a requirement to raise awareness of what is responsible behaviour. Tourists may not be aware that with the access rights come responsibilities, and promotion of the principles of the Scottish Outdoor Access Code is an ongoing requirement. Guidance specifically for informal campers of all descriptions is available, and it is our opinion that Scottish Natural Heritage and the National Access Forum have a role to play here in getting the information to those who need it.

In conclusion, there are issues to address and they are not caused by what may be called wild camping. The activity of informal camping will not be a problem as long as campers follow the SOAC guidance; it is the behaviour of campers that is the point here, not the activity itself, which is lawful under the Land Reform (Scotland) Act 2003.

It is our opinion that this call for specific powers on 'no wild camp zones' may have unintended consequences, potentially criminalising many people who exercise their rights under access legislation and guidance and enjoy camping out in the magnificent landscapes of Scotland, and who do leave no trace of their campsite.

A call to create new powers to restrict wild camping in Scotland is unnecessary and potentially more expensive than using existing legislation which is available to cover most informal camping problems encountered; it is a matter of resource allocation to manage particular locations and generally raise public awareness that is the issue.