

CAIRNGORMS NATIONAL PARK AUTHORITY

For Decision

Title: Informal Camping in the Cairngorms National Park

**Prepared by: Murray Ferguson, Head of Visitor Services and Recreation
Adam Streeter-Smith, Outdoor Access Officer**

Purpose

To inform the Board about the issues concerning informal camping in the National Park and agree how the Park Authority should work with land managers and other organisations to address the issues.

Recommendations

That the Board:

- a) Endorse the broad approach to informal camping as defined by the principles set out in paragraph 17 of this paper
- b) Agree to consider the matter again to determine what progress has been made in a period of two years.

Executive Summary

Most people camp very responsibly in the National Park and have a great time while causing few problems. Any issues associated with informal camping are generally effectively managed with the existing resources with the support of ranger services. However, there are two sites close to roads in the National Park (near Loch Morlich and in Glenmore and on Invercauld Estate, south of Braemar) where the problems are currently particularly acute. The paper sets out a proposed new management approach for CNPA to assist the relevant land managers, based on a set of six principles. It is proposed that the Board should review progress in two years time.

INFORMAL CAMPING IN THE CAIRNGORMS NATIONAL PARK FOR DECISION

Background

1. Camping can be a great way to enjoy the Cairngorms National Park and it forms a key part of many people's recreational experience, either as an activity in itself or by providing a base for further activities. This paper considers the issues associated with 'informal camping', a term that is used to refer to any camping that takes place outside formal, managed campsites, and which therefore includes 'wild camping' as defined in the Scottish Outdoor Access Code.
2. It is important that the management of informal camping is seen in a wider context and this is already provided in the National Park Plan, and particularly in the Outdoor Access Strategy and the Sustainable Tourism Strategy. However, it is timely to examine the issues associated with informal camping in the Park at this time for the following reasons:
 - a) Guidance for land and recreation managers is now available from National Access Forum which complements the guidance in the Scottish Outdoor Access Code;
 - b) Recent proposals for byelaws in Loch Lomond and the Trossachs National Park have stimulated debate about the issues associated with informal camping and, if they are implemented, they may affect people's behaviour beyond the National Park;
 - c) There are a number of common misconceptions around the management of informal camping that it is important to pin down if we are to manage the problem effectively; and
 - d) In advance of the main summer season in 2010 it is useful to take stock of the issues at a strategic level so that new approaches can be tried at particular problem sites and we can ensure that the appropriate information is being collected.

The Legal Context

3. The legal context for informal camping and associated behaviour is both complex and rather subtle. Management approaches must rely on a combination of different pieces of legislation, some dating back well over 100 years, each dealing with particular activities (i.e. the camping itself, and associated car parking, fires, littering, damage to property, drinking alcohol, etc). A brief summary of the main aspects of the legal context is provided in Annex A.
4. It is very important to understand that informal camping is a legitimate activity wherever access rights apply (including locations close to roads) subject to the participants behaving responsibly and any restrictions resulting from other legislation (for example from byelaws). The Scottish Outdoor Access Code gives specific guidance about "wild camping" which is a subset of the camping permitted under access rights. There are a number of other common misunderstandings that it is important to address when considering the problems associated with informal camping, for example:

- a) Access rights do not legitimise any activity that is an offence under other legislation and do not provide any 'excuse' for antisocial behaviour – nor should access rights make it more difficult to address such behaviour than it was before the Land Reform (Scotland) Act came into force in 2005.
- b) The right to camp informally does not vary on the basis of the mode of transport that is used to get to the site (e.g. by car, on foot or by bike).
- c) The role of the access authority is to assist the land manager in resolving the issues associated with informal camping.

The Scale and Nature of the Issues

5. Informal camping is already practiced throughout the Cairngorms National Park and gives great pleasure to a considerable number of people. The vast majority of people camp informally in a responsible fashion and cause few problems. Although some issues do occur from time to time throughout the Park, commonly close to roads and water, they are generally effectively managed by land managers, especially with the active support of ranger services.
6. However, on the basis of the anecdotal information available and expressions of concern expressed to CNPA, the impacts associated with irresponsible camping are a particular problem at two sites within the National Park – at Clunie Flats, on Invercauld Estate south of Braemar and near Loch Morlich in Glenmore Forest Park. Whilst the scale and nature of the camping at the two sites is different there are a number of common problems as described below.
7. **Clunie Flats on Invercauld Estate** has been used for informal camping since at least the 1950's being very close to the road. In the last 15 years Invercauld Estate have recognised that camping at the site was growing in scale and popularity and, due to the cumulative effects, and with no facilities provided the camping was having greater impacts. There are recorded incidents of up to 90 tents being recorded on peak weekends, plus caravans and motor homes. There are reports of associated problems of theft of timber for fire, including damage to stock pens, human waste and litter. There is some evidence that the site is becoming known as a place to meet and at which there is minimal or no supervision, therefore attracting people who are more likely to behave irresponsibly. In Braemar there is reported to be increasing concern about the visual impact of camping at this site and its negative associated effects on the village.
8. The Park Authority first became involved in this issue in 2005. Following discussion with the Local Outdoor Access Forum a meeting was organised with interested parties (chaired by Cllr Richard Stroud), including the local authority, community company and SNH. It was identified that there was a need to tackle the growing problems through a partnership approach. A wide-ranging programme of works was identified including road and parking management, the provision of alternative campsites in the Upper Deeside area and information provision. In the following years Invercauld Estate undertook a number of physical measures to deter off-road parking (by, for example, installing boulders and digging trenches) and promoting responsible behaviour (by installing signage). This has had some success in deterring informal camping at the site and problems were recently reported to be less severe than they had been in previous years.

9. In January 2009 Cllr Richard Stroud chaired a further meeting to review arrangements and particularly to discuss a new proposed informal campsite. In March 2009 Park Authority staff, the estate and the community looked at the feasibility four sites for a new informal campsite close to Braemar. The favoured at that time was Corrie Feragie on the A93 south of the village. The next step is for a lead to be taken by an appropriate party to develop a business case for this site. It is also notable that there remains a management challenge at the Clunie Flats site through lack of effective ranger service cover to assist the land manager in providing face-to-face contact with campers.
10. In and around **Loch Morlich in Glenmore Forest Park**, the scale of the roadside camping is less significant but nonetheless there have been repeated difficulties with trees being chopped down for firewood, sanitation issues, disturbance to other users and non-authorised use of the facilities at the nearby managed campsite. Prior to 2007 UK forestry bylaws applied to this site which effectively banned camping on FCS property. Campers at that time were either moved to the formal campsite or if undertaken by small numbers and lightweight were asked to move to a more discreet spot. Since the inception of the Land Reform (Scotland) Act 2003 bylaws banning activities such as camping have been reviewed and the existing UK bylaws were removed in 2007.
11. Since 2007 FCS Rangers have been engaged in direct contact with campers: those in Glenmore Forest being asked to move after one night and those at Loch Morlich being asked to move after one night or pitch at a nearby managed campsite.
12. It has been useful to discuss the management of both formal and informal camping through the Cairngorms Rothiemurchus and Glenmore Group and there is potential to develop a further forward-looking approach on that basis. In 2009 the discussions focussed on tent pitch availability in the light of the proposed cabin development at the Forest Holidays campsite (still to be implemented) which will remove a number of tent pitches. Aviemore and the Cairngorms DMO and Cairngorms Chamber of Commerce piloted a scheme in 2009 to assess pitch availability at the managed sites, communicating this to the public through a webpage on the visitaviemore.com website. Temporary camping, when the official site was full, was also offered by the neighbouring land owner. There were 10 nights between March and September 2009 when the Glenmore campsite was full and these all fell in August. Otherwise pitches have always been available. Some concerns have been expressed about the high cost of tent pitches at the site.

A Proposed New Management Approach

13. In summary, at both the above sites, despite a number of management measures being taken, there are ongoing and repeated problems with informal camping and associated behaviour. It is the cumulative impact of the informal camping at these sites that is causing concern to land managers and other parties. At neither of these sites is the problem so severe as is found at some sites elsewhere in Scotland; however, there are worries that if left unchecked the situation could deteriorate further and that the associated irresponsible behaviour could spread elsewhere in the National Park. There seems to be consensus that now is the time to make sure

such sites are as well managed as possible and that we are collectively getting on top of any problems before they become any worse.

14. The guidance now available from the National Access Forum helpfully sets out the main strands of a national campaign which is being taken forwards by SNH to promote responsible camping. This builds on the existing guidance in the Code, and has identified the following key messages for campers which are particularly relevant to roadside situations:
 - a) avoid overcrowding by moving on to another location;
 - b) carry a trowel to bury your human waste and urinate well away from open water, rivers and burns;
 - c) use a stove or leave no trace of any camp fire. Never cut down or damage trees;
 - d) take away your rubbish and consider picking up other litter as well;
 - e) if in doubt, ask the landowner – following their advice may help you find a better camping spot, and;
 - f) access rights are not an excuse for anti-social or illegal behaviour.

15. In addition, the Guidance from the National Access Forum summarises the main management measures that are recommended at sites where problems continue to occur. In many situations a combination of approaches is likely to be required to reducing camping-related problems to an acceptable level:
 - a) Face-to-face liaison
 - b) Providing targeted leaflets and other items
 - c) Visitor information and signage
 - d) Suggesting alternative locations
 - e) Providing equipment or infrastructure
 - f) Providing managed campsites
 - g) Managing car parking
 - h) Police liaison
 - i) Management rules
 - j) Byelaws

16. At this time there is little enthusiasm from any relevant party to move towards the development of Management Rules or Byelaws in any part of the Cairngorms National Park. Such approaches can have certain advantages in terms of providing clarity for users, and for site managers, and also in providing a proactive basis for engagement that is focussed on prevention. However, the consensus at present is that much more could be achieved using existing, softer measures if all parties work effectively together.

17. It is therefore proposed that we proceed on the basis of the broad approach defined by the following principles. CNPA should assist the relevant land managers to:
 - a) Draw together the relevant parties to review periodically best practice and encourage an effective partnership approach to the management of each site or area;
 - b) Improve the quantitative and qualitative information available to CNPA and others about the nature and scale of the problems encountered with informal camping so that comparisons can be made between different locations within the National Park and over time.

- c) Develop and implement an appropriate suite of management approaches in a management plan for each site, based on the guidance available from the National Access Forum which would reduce camping-related problems to an acceptable level;
- d) Develop suitable alternative formal and informal campsites (if not already available in the area) to which people can be directed (if appropriate).
- e) Develop appropriate targeted resources for persuasive communication (leaflets, car stickers, signs, etc) for use by ranger services and others.
- f) Improve support and liaison arrangements with the police.

Consultation

18. Consultation has taken place in the development of this new management approach with the respective land managers, the Local Outdoor Access Forum and with Scottish Natural Heritage. Further discussion is planned with the Cairngorms Rothiemurchus and Glenmore Group in March 2010 which will help to clarify the appropriate scale at which to address the issues in that area.

Financial Implications

19. Most of the work required by CNPA can be covered by providing staff time. This will require some reconsideration of priorities but this is not considered to be insurmountable. A modest budget may be required for two specific issues:
- a) The provision to of targeted communications resources; and
 - b) At Clunie Flats on Invercauld Estate the provision of grant-aid for short term, staff cover to provide face-to-face contact with campers at peak times (hopefully in conjunction with assistance from the Aberdeenshire Ranger Service).
20. Further discussion with a number of parties is still required. If necessary, further approvals will be sought form the Finance Committee.

Next Steps

21. If the recommendations are approved the immediate next steps would be:
- a) Discussion with CRAGG later in March
 - b) Drawing together of workshop on best practice management of informal camping in late April
 - c) Assist the respective land managers to develop a management plan for each site

Murray Ferguson
Adam Streeter Smith
March 2010

murrayferguson@cairngorms.co.uk
adamstreetersmith@cairngorms.co.uk

Annex I: Informal Camping – A summary of the legal context

1. The Land Reform (Scotland) Act and Scottish Outdoor Access Code, and the accompanying powers and duties of local and National Park authorities, now provide an important element in the management framework through which the issues associated with informal camping should be addressed. Other legislation relating, for example, to car parking or antisocial behaviour can also play a key role.

The Land Reform (Scotland) Act

2. The Land Reform (Scotland) Act 2003 provides rights of access to most land and inland water, subject to responsible behaviour as defined in the Scottish Outdoor Access Code. These rights extend to informal camping – which is likewise subject to responsible behaviour.
3. The Act includes various provisions which relate to camping. These are:
 - a) Section 1 which indicates that access rights extend to ‘remaining on’ land for relevant purposes;
 - b) Sections 2, 3 and 10 which refer to the Code as the source of guidance on responsible behaviour;
 - c) the fact that the Act does not restrict the exercise of access rights overnight, and;
 - d) Schedule 2 which inserts a new clause into the Trespass (Scotland) Act 1865 which repeals the offences in that Act if ‘done by a person in the exercise of the access rights created by (the 2003 Act)’. This removes the offences of occupying or encamping on private land without permission if this takes place in the exercise of access rights.
4. **Camping is therefore a legitimate activity wherever access rights apply, including some locations close to roads, subject to responsible behaviour and any restrictions resulting from other legislation, including byelaws - for example concerning car parking. Access rights do not legitimise any activity that is an offence under other legislation and do not, for example, provide an ‘excuse’ for antisocial behaviour.**
5. Scottish access rights apply to non-motorised recreation and do not therefore extend to activities that are entirely based on the use of a vehicle, such as sleeping in cars, camper vans or caravans.

The Scottish Outdoor Access Code

6. The Scottish Outdoor Access Code (the Code) provides detailed guidance on the responsibilities of those exercising access rights and of those managing land and water. This includes much general advice for recreational users covering such issues as fires, litter, waste and car parking. Part 5 also provides the following specific advice in relation to camping.

Responsible behaviour by the public

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 farms 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 any open fire (follow the guidance for lighting fires)
- not causing any pollution.

Responsible behaviour by land managers

If you are experiencing large numbers of roadside campers or have well-used wild camping areas, you could work with your local authority and with recreational bodies to assist the management of such camping.

Scottish Outdoor Access Code, Part 5

7. Although the Code includes all of the relevant principles, it does not provide detailed guidance that is explicitly directed at campers in locations that are relatively close to roads.

Source: Extract from guidance produced by the National Access Forum