

Update and summary on what has been done up to 20th June 2025 regarding byelaws and Loch of Clunie

As a reminder we had a response by 17 people in the Loch of Clunie Preservation Group on a poll about byelaws:

- What is your opinion on a “no camping, no tents” byelaw for Clunie Loch?
A majority of 88.2% said yes I’m in favour
- What is your opinion on a “No fires” byelaw for Clunie Loch?
A majority of 93.8% said yes I’m in favour
- What is your opinion on a “no alcohol” byelaw for Clunie Loch?
A majority of 62.5% said yes I’m in favour

Reasons for choice showed that most people were strongly in favour of a “no camping with tents” and a “no fires” byelaw. People were not so sure about the “no alcohol” byelaw as people feel no camping would remove that as a problem.

What has been done so far?

- The members of the Loch of Clunie Preservation Group who are also involved in Scottish Land and Estates discussed and decided to push for byelaws.
- Results of the Loch of Clunie Preservation Group poll meant action.
- Secretary organised a meeting of a Scottish Land and Estates representative, Visitor Management and herself in order to plan a meeting with local councillors.
- Secretary communicated again with the NatureScot contact regarding the ability of NatureScot to make byelaws as below

Nature Conservation (Scotland) Act 2004

Subsection 19 Offences in relation to sites of special scientific interest

(1) “Intentionally or recklessly damages any natural feature specified in an SSSI notification is, subject to subsection (2), guilty of an offence.”

Subsection 20 Byelaws

“(1) SNH (now NatureScot) may make byelaws for the protection of a site of special scientific interest.”

- NatureScot representative responded with the following:

*“NatureScot **is** able to make bye-laws, byelaws cannot be used to cover something that is already an offence, which in this case, damaging an SSSI/SAC is, so a byelaw wouldn’t be possible for this situation.*

We share your frustration over anti-social behaviour issues – we also experience it on many of the National Nature Reserves that we manage.

NatureScot, along with a sub-group of National Access Forum (NAF) members, in 2024 produced [Guidance on managing public access in areas of wildlife sensitivity in Scotland](#) (it does include a link to [A Brief Guide to the Laws Relevant to Outdoor Access in Scotland](#) in the info on byelaws) which you might find useful.”

- A council solicitor responded to my email about organising a meeting about byelaws. Main points were that they care but a byelaw is “complex, time consuming and resource intensive”. If NatureScot have more powers to create byelaws then they should do so. They also said that byelaws had not worked well in some areas for various reasons.
- Representative SLE and Secretary spoke with a solicitor who specialises in environmental law, and he met with us on pro bono basis. From that we came to the conclusion that due to Loch of Clunie being an SSSI as well as having two SAC’s then it is too fragile to have any responsible camping. There is a legal responsibility to protect it. He advised talking to an Access Officer for our area.

A meeting took place on Friday 20th June 2025 with the following representatives

- Visitor Management,
- Access Officer
- Scottish Fire and Rescue Service Scotland
- Police
- Local farmer, Loch of Clunie Preservation Group member, Scottish Land and Estates
- Local Councillor
- Local Councillor
- Chair of Loch of Clunie Preservation Group
- Secretary of Loch of Clunie Preservation Group

Introduction: Gave a reminder of why Loch of Clunie is a Site of Special Scientific Interest (SSSI) and designated a Special Area of Conservation (SAC)

Highlighted that at the end of the SSSI Management Statement

<https://www.nature.scot/sites/default/files/site-special-scientific-interest/1080/site-management-statement.pdf>

“The EU Habitats and Birds Directives oblige Government to avoid, in SACs and SPAs, the deterioration of natural habitats and the habitats of species, as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of these Directives.”

We all want responsible access to continue. The Outdoor Access Code is designed around a small number of backpackers with a leave no trace policy. This is not the case at Loch of Clunie.

Loch of Clunie should be seen as an important part of the Scottish Governments commitment to protect at least 30% of our land and sea for nature by 2030. (Land includes freshwater sites)

<https://www.nature.scot/professional-advice/protected-areas-and-species/30-30-and-nature-networks/30-30-explained>

Idea brought up the possibility of bringing in a Nature Conservation Order as a method of bringing in Byelaws.

<https://www.nature.scot/professional-advice/protected-areas-and-species/protected-areas/conservation-orders/nature-conservation-order>

Access Officer: His primary responsibility is access rights and education about the Outdoor Access Code. Byelaws are not necessarily the route to go down. Where there are byelaws police and rangers try to engage but it is not ‘night and day’ compared to not having byelaws as the anti-social behaviour continues.

In response person said that it is easier for police to say to someone there is a byelaw, as you would be able to see on a sign. Someone putting up a tent can be told you can’t put up a tent. The present situation is that there may be laws but it is difficult to enforce them in reality.

In response to NatureScot saying *“byelaws cannot be used to cover something that is already an offence, which in this case, damaging an SSSI/SAC is, so a byelaw wouldn’t be possible for this situation”*

What are the practicalities around implementing the knowledge that it is an offence to damage an SSSI/SAC?

Police explained the policing abilities:

Police engage, explain and encourage in order to provide an appropriate and proportionate response. For someone to be guilty of an offence they have to know they are guilty of an offence. So they need to know what an SSSI is with signage and engagement.

The Nature Conservation Act 2004 relates more to owners or occupiers and not visitors to the area such as campers.

The section 19 Offences in relation to sites of special scientific interest (1)

“intentionally or recklessly damages a natural feature specified in an SSSI notification is, subject to subsection (2) guilty of an offence”

Police advised that this is general and broad and written based upon larger scale incidents that the land owner might have responsibility for. For example, the landowner drains a loch. Legislation cannot cover individuals wearing patches of ground around the lochside. There is also difficulty providing evidence that an individual is responsible for the damage and that this significantly impacts the SSSI.

There is some legislation the police can use. For example Trespass Scotland Act talks of irresponsible camping but this is more to do with squatting on land which would need some element of irresponsibility and other offences. This is antiquated and no convictions have been made for some time.

Other behaviours such as littering, vandalising, vehicles on land, threatening behaviour, misuse of drugs are examples of policing. The biggest difficulties, however, are that there needs to be someone who sees it, someone who can corroborate and see who is responsible. Not easy as there is no CCTV and so there are challenges trying to enforce these behaviours.

The other major problem is that police don’t have sufficient resources.

Discussion about difficulties and solutions:

There has been and continues to be education, however some people don't want education.

An example is St. Fillans which tried byelaws but this was stopped as there were people camping sensibly. At present there is a permit booking system.

<https://www.lochlomond-trossachs.org/things-to-do/camping/get-a-permit/>

There is no real place for an official campsite near Loch of Clunie as it is a small area and surrounded by farmland. It also may not be suited to a permit system as so small.

Wonder if rangers and wardens could issue fines as they do with parking on the clearway?

Communications and engagement by rangers, parking attendants, police and Scottish fire and rescue has been fantastic.

Any future training in legislation would have to be everywhere and not just Loch of Clunie.

Actions:

Important to engage with NatureScot about another site survey, assessment, and find out the status of declining features of the SSSI and SAC.

Plan to erect signage. We discussed that signage was already designed but we needed to have clarification over the wording. If people can or cannot camp or have fires. Signage costs money and so we would only want permanent signage when we are confident about the legalities.

Councillors and the council are writing a letter to government. This is about reviewing present laws and the Outdoor Access Code.

The Visitor Management Group will have further meetings with NatureScot and the access officer.

Loch of Clunie Preservation Group and Scottish Land and Estates will continue to communicate with the Visitor Management Group, NatureScot, Councillors and Government to find out about a review of the legislation and how this is applied to Loch of Clunie as well as the other places in similar situations. "No action" is not an option!