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Submitted to Outdoor access
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3 What is your name?

Name:
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4 What is your email address?

Email:
info@kftcommunitycouncil.co.uk

5 Are you responding as an individual or on behalf of an organisation?

Organisation

Organisation details

1 Name of organisation

Name of organisation:
Killiecrankie Fincastle & Tummel Community Council

2 Information about your organisation

Please add information about your organisation in the box below:

See https://www.killiecrankievillagehall.co.uk/community-council/

Part A: General Questions

1 What does outdoor access in Scotland mean to you, and how important is it in your daily life?

Please provide your response in the box provided.:

The area which Killiecrankie Fincastle & Tummel Community Council covers is entirely rural with some of the most stunning scenery in Scotland. It attracts visitors all year round and people who live here generally choose to do so because they value the natural environment. The resident community is very respectful of the surrounding countryside and understands how the country code works. That is not always the case of visitors, some of whom assume that they have a ‘right’ to access all parts of this area. As a result, irresponsible visitors’ behaviour can negatively impact on members of the local community, curtailing their enjoyment of and access to their immediate surroundings.

2 What works well about the current system of outdoor access?

Please provide your response in the box provided.:

Many in the local community recognise and value the underlying principles of the Land Reform Act 2003 and the associated Scottish Outdoor Access Code. However, they find that, in practice, a significant number of irresponsible people exploit the SOAC and chose not to follow it.

3 What could be improved about the current system of outdoor access?

Please provide your response in the box provided.:

The legislation relating to outdoor access has muddied the water. It has led to a perception among some visitors to the countryside in our area that they have a ‘right’ to park close to wherever they wish to access; to set up large and small camps beside roads, buildings, homes, livestock; to light fires; to cut down trees for firewood; to enter agricultural or private areas at will. When challenged, they state that they have a ‘right’ and are not breaking any laws.

The police are not willing to enforce any law, statutory or common, such as Trespass (Scotland) Act 1865 or Breach of the Peace in these circumstances. The police wrote to the Community Council: “It is the interpretation of what ‘responsibly’ means that causes issue and disagreement. This can also mean that applying existing criminal legislation that predates LRSA 2003 can be problematic.”

(A copy of the email from the Divisional Inspector of Police can be provided separately, if required.)

The rules must be unambiguous for people who are accessing the outdoors and for the people who enforce the law.

4 Are there any barriers that prevent you, or others, from enjoying outdoor access in Scotland?

Please provide your response in the box provided.:

The aggressive and sometimes violent behaviour of visitors in our area has caused a change in behaviour of the resident community. The southside of Loch Tummel, for example, has become a magnet for irresponsible visitors whose bad behaviour culminated in a visitor attacking a local resident who attempted to challenge a visiting group. The resident was assaulted and left for dead near her home. The assailant has been charged with attempted murder and awaits trial 17 months after the event. Aggressive visitors who are confident that they can act with impunity have stopped many members of the community near hotspots enjoying access to the immediate area. Consequently, some locations have become no-go zones, particularly loch shores where ‘squatter camps’ deter anglers and other visitors from the waterside.

(A copy of the Minutes of the public meeting, attended by police, held after the incident can be provided separately, if required.)

Part B: Rights and responsibilities

1 What impact has Scotland’s approach to outdoor access and access rights had in the last 21 years?

Please provide your response in the box provided.:

Having access to Scotland’s countryside is of benefit to everyone, resident and visitor alike. The Covid era changed attitudes and behaviour enormously. As soon as restrictions were lifted, beauty spots in the Killiecrankie Fincastle and Tummel area were targeted by town and city dwellers. Instead of enjoying the outdoors responsibly, their focus was on their rights. Whatever efforts have been made to educate the public about their responsibilities have been too feeble to make any impact. Not only are the responsibilities unclear but the SOAC has restrained the police from enforcing the law. NatureScot has done little to clarify the responsibilities that go hand in hand with access, producing a guide that contains numerous contradictions. That has led Perth & Kinross Council to set up a Visitor Management Group at a cost to run this year of £200,000. If the SOAC were clearly drafted and implemented, there would be no need ‘to manage’ troublesome visitors.

There is also the issue of sheer numbers: even if all visitors were well behaved, having too many could damage the environment and could require infrastructure such as made paths. That would turn natural into suburban, destroying the very feature that is attractive. Already, the most visible feature of Beinn a’Ghlo is the path that has been made to the top.

2 What role has the Scottish Outdoor Access Code played in developing a culture of responsible access?

Please provide your response in the box provided.:

To us, the SOAC has failed to play a part in developing a culture of responsible access. Those who act responsibly would do so anyway before and after the Land Reform Scotland Act of 2003. The message that the SOAC has conveyed is that people have a ‘right’ to go practically anywhere in the countryside and to act in whatever way they wish.

3 What role have access authorities played in developing a culture of responsible access?

Please provide your response in the box provided.:

Perth & Kinross Council have been outstanding at helping manage the situation we have. They lead the Visitor Management team, coordinating traffic attendants, Forestry and Land Scotland personnel, countryside rangers, Community Councils, Scottish Fire and Rescue Service, conservation/environmental groups, landowners, loch-users and recreation groups. It is a massive task to deal with a minority who wilfully misinterpret or remain ignorant of the law.

Killiecrankie is within the Cairngorms National Park and so has experience of the introduction of a new byelaw against lighting fires in certain circumstances. Again, such a byelaw should not have been necessary if the SOAC were understood properly by all and enforced effectively.

National Trust for Scotland rangers operate in Killiecrankie. They too are diligent and we are grateful for their work.

All these groups spend a disproportionate amount of time and money managing irresponsible visitors instead of being able to focus on those who access responsibly.

4 What are the key issues relating to irresponsible access?

Please provide your response in the box provided.:

In our experience, the message about responsibilities has not been conveyed at all. There has been an assumption that all visitors will understand how the countryside works. There needs to be far more education and ultimately the powers and resources to enforce where necessary.

Irresponsible access has led to carloads of visitors parking on the verge close to Loch Tummel, unloading a weekend's worth of supplies, cooking equipment, picnic furniture and having a loud party only yards from the vehicles, in the name of 'wild camping'.

Roadside camping/car camping is not wild camping. The SOAC states that you have to park 'well away' from roads. This is far too vague and allows irresponsible campers to park about a yard from their chosen spot without fear of being moved on let alone prosecuted. There needs to be a very easy, memorable phrase that sums up the law e.g. "Boots have rights, Wheels don't" to make it crystal clear that wild camping is for walkers, not cars or campervans.

We have witnessed irresponsible behaviour beside the River Garry and River Tummel at Killiecrankie and Loch Tummel. Ever since the violent attack in 2025, the police have reinforced their advice that members of the community should not approach nor intervene when they see roadside camping or antisocial behaviour. We have posted on our website, details of 'how and when to report roadside camping concerns and issues'. See: https://www.killiecrankievillagehall.co.uk/uploads/FLS%20advice%20on%20safety%20and%20reporting.jpeg

Litter and human waste is a scourge. These problems show no sign of improvement from one year to the next. Rangers generally deal with human waste while everyone in the community is involved in clearing litter. KFT Community Council actively partnered with Keep Scotland Beautiful one year and received considerable publicity. Nevertheless, it made no difference to littering behaviour. Indeed, a 2025 survey seemed to show that littering became worse in Killiecrankie after Keep Scotland Beautiful's intervention. The exercise would suggest that the attitude of some is that others will clear up. In fact, rangers in Tummel have told us that some visitors claim that the role of rangers is to collect litter, debris, camping equipment and human waste.

Campfires are alarming but we know of incidents both at Tummel and Killiecrankie where those who lit the fires went on to intimidate individuals who tried to intervene and warn of the dangers. We would welcome a system which facilitated national, regional and local bans on outdoor fires.

5 What role has the Scottish Outdoor Access Code played in developing a culture of responsible management?

Please provide your response in the box provided.:

The National Trust for Scotland, Forestry and Land Scotland, private landowners, private businesses, Scottish Fire & Rescue Service, Perth & Kinross Council and our Community Council are all engaged. Much of it relates to management of irresponsible people rather than land or access. The SOAC has been hijacked by a minority who have ruined access for others to some beauty spots.

6 What role have access authorities played in developing a culture of responsible management?

Please provide your response in the box provided.:

See above.

7 What are the key issues relating to irresponsible management?

Please provide your response in the box provided.:

We do not know of irresponsible management. It is lamentable that so much effort and money is spent on managing irresponsible visitors in the first place. All organisations involved in management are strapped for cash, yet the focus is on a problem that could have been avoided if the SOAC were not so contradictory. For instance, the SOAC exhorts campers to stay well away from roads. Therefore, we understand that roadside camping is not permitted. However, the SOAC also advises land managers to work with local authorities or recreational bodies to assist the management of large numbers of roadside campers. No wonder there is confusion on all sides and a reluctance of those who have power to enforce the SOAC not to do so. In our experience, some campers wilfully misinterpret the SOAC, claiming that they have a right to do what they want, where they want, when in the countryside.

Part B: New technologies, activities and changing management practices

8 To what extent have changes in the last 21 years (e.g. through new technologies, activities and management practices) affected: a) access rights and responsibilities b) management rights and responsibilities

Please provide your response in the box provided.:

The upsurge of motorhomes, campervans and the use of tent boxes has significantly changed the rural tourism dynamic. It brings local environmental and social pressures, commonly known as "dirty camping" . In our case, irresponsible car camping leads to improper waste disposal, unauthorised overnight parking and verge degradation.

In good weather when the southside of Tummel is packed with dirty campers who have arrived in large vehicles, it would be difficult for emergency services to use the Foss Road. This, in turn, adds to the burden of those charged with managing visitors and introduces yet another worry for residents.

Perhaps the key change has been the internet. The dominance of websites and apps, such as Instagram, Facebook, TikTok and YouTube has aggravated the problem. Individuals and organisations alike publicise attractive places to visit or camp, whether legal or not. Overtourism can be fuelled by a viral hashtag such as, say, #Hermitage which can cause masses to arrive suddenly at a particular place as they did at Birnam recently, causing traffic chaos. The photographs on the internet often promote the very behaviour which we are trying to curb, such as making open fires in woodland or camping close to a road. Any beauty spot that gets publicised in this way risks being turned into a hotspot, leading to environmental degradation with impacts for

wildlife, habitats, flora, water and, of course, the local community.

Tummel and other Perthshire hotspots suffer from being 'Insta-famous'. Without some kind of intervention, it will be impossible to halt the massive influx of irresponsible visitors. Perhaps 'cyber patrols' could highlight when photographs show illegal behaviour and give advice on the law.

9 Does the Land Reform Act and Scottish Outdoor Access Code adequately address these changes?

Please provide your response in the box provided.:

It seems to us that the Land Reform Act and the SOAC did not foresee changes in attitudes and behaviour nor the instant publicity that certain apps now offer. Geo-tagging is a relatively new phenomenon. Had the legislation and its guidance been unambiguous, we may not have reached this crisis point. The crisis is further complicated by the lack of enforcement.

Part B: Wildfire

10 Does the Scottish Outdoor Access Code (and associated information campaigns) adequately strengthen public awareness of the potential for and risks of wildfire?

Please provide your response in the box provided.:

Certainly not. If it did, there would have been no need for Cairngorms National Park Authority to introduce a byelaw specifically outlawing campfires. The wildfires in the Cairngorms this year should have heightened public awareness. Yet we heard from rangers about visitors deliberately coming to our area, outside the national park, for a picnic where they could light a fire because their first-choice spot was inaccessible due to raging wildfires. This was during a long, dry spell of warm weather.

There needs to be a system by which national, regional and local bans on outdoor fires can be imposed and enforced. It took the intervention of the U.K. Prime Minister to get single-use barbeques taken off sale during this year's drought – there was no action from any Scottish authority, national or local and nothing from NatureScot. Even in a normal year, such risky and wasteful single-use items should not be allowed.

Part B: NatureScot and access authorities

11 Do NatureScot and the National Access Forum adequately fulfil their respective duties and purposes in ensuring the Scottish Outdoor Access Code is working as it should?

Please provide your response in the box provided.:

In repeated meetings with Nature Scot, we have been assured that new and more effective 'education campaigns' relating to the SOAC would be mounted but a) there has been no sign of these since the assurance was given some 2 years ago and b) any such campaigns are largely irrelevant to those who wilfully chose to misinterpret / ignore the principles of the Land Reform Act and the guidance in the SOAC.

It is not clear that NatureScot understands how the SOAC should work. NatureScot advised us to have the police use other legislation such as Trespass (Scotland) Act 1865 to manage dirty camping. There are several problems with this. Firstly, we have extremely limited police patrols in this area and only two Special Constables can be deployed from time to time. Secondly, when police are here, they do not prosecute dirty or wild camping for reasons already explained in Question 3 above. Thirdly, no one is happy to ask police to act as land managers for badly drafted law and guidance.

We are aware of the National Access Forum and indeed colleagues who sit on the PKC Visitor Management Group are members. We see little evidence that it is making an impact on the ground.

12 Are access authorities adequately equipped and resourced (including staffing and access infrastructure) to manage, protect and promote access rights?

Please provide your response in the box provided.:

Of all the groups involved in Visitor Management in our area (viz Perth & Kinross Council, Forestry & Land Scotland, Police Scotland, Scottish Fire and Rescue Service, National Trust for Scotland, countryside rangers and parking attendants), it is fair to say that ALL are under-resourced. There is never enough personnel, money or time to deal with the size of the problem.

Killiecrankie Fincastle & Tummel Community Council stepped up its support for the Visitor Management team in May 2025 after the incident mentioned at Question 4 above. That was when antisocial and intimidating behaviour culminated in a case of attempted murder. No individual community member dare get involved with irresponsible campers now.

We blame the origin of the current crisis and its continuing adverse effects on poorly drafted legislation and SOAC. The situation has been exacerbated by NatureScot's failure to assume statutory responsibility for its resolution. It says that it keeps the SOAC under review though cannot demonstrate how it does so when challenged. Indeed the 'monitoring form' that used to be provided on its website for members of the public to report contraventions of the SOAC or the spirit of the SOAC is now so deeply buried as to be inaccessible.

Our Community Council has reproduced the monitoring form on our own website and publicises it in the local freesheets so that incidents can be reported to us. We collect the forms and forward to NatureScot and to Perth & Kinross Council so that we know that both have up to date data. We now have a good record of the sort of problems that residents are forced to tolerate.

13 Do access authorities have adequate powers to deal with: a) irresponsible access b) irresponsible management

Please provide your response in the box provided.:

See previous answers.

NatureScot fails to fulfil its role to monitor the SOAC. Police Scotland admits that it is problematic to apply existing criminal legislation that predates LRSA 2003 and that it finds the interpretation of 'responsibly' too difficult to enforce the SOAC. Perth & Kinross Council says that introducing a byelaw would take years but, in the meantime, struggles to finance the growing needs of the Visitor Management team.

A Briefing Note that Perth & Kinross Council produced in June 2026 stated that they would work with the Scottish Government, NatureScot and the National Access Forum on the question of management of dirty campers and wild camping towards new legislation to address the current issues. While we wait, the local community has to tolerate dirty campers and violent crime on its doorstep.

Part B: Dispute resolution

14 (a) How well do Local Access Forums support access authorities to fulfil relevant statutory duties?

Please provide your response in the box provided.:

14 (b) How well do Local Access Forums and/or other routes to resolve access disputes (i.e. through legal action) work in practice?

Please provide your response in the box provided.:

The only legal action we are aware of being taken (with the exception of the case of attempted murder) relates to infringements such as parking on the Clearway. Fines from traffic attendants do not appear to worry dirty campers, some of whom have expressed the opinion that the amount of the fine represented good value as they want to have the vehicle close to their camping spot.

The Clearway was created on the Foss road in 2022 in an attempt to control the influx of visitors.

14 (c) How might the framework and process be improved?

Please provide your response in the box provided.:

The legal framework could be improved by rewriting the SOAC in clear, unambiguous terms.

The Code was devised to encourage people to get outdoors and enjoy the countryside on foot. It has been misinterpreted and consequently fails to protect the environment or local communities. Contradictions must be removed. Roadside camping must be banned by stating simply that stopping on the verge to camp is against the law. If necessary, a specific minimum distance will have to be introduced, to encourage campers to leave their vehicles in safe, designated parking spots and to hike to a quiet spot far from the road and rural residents. Transport of camping gear must be done by individuals on foot, never by car.

To make things absolutely clear, there should be a simple and easy definition of wild camping e.g. that it had to be at least three miles from a public road.

The use of campervans, caravans and motorhomes should be restricted to supervised sites, equipped with the necessary facilities for electric power, fresh water, grey water disposal and a chemical toilet disposal. The basic principle of environmental law is "polluter pays". If motorhomes are restricted to specific places, they can be monitored and fees collected for the maintenance of the sites and their management. Such costs should not come out of local authority budgets.

Enforcement has to be improved. The police are unable to cover the whole of the countryside. Others will have to be authorised to deal with the problem. Perhaps rangers could receive special powers to issue notices or on the spot fines to transgressors.

Education of the country code and the access code has been woeful. We want everyone to have a respectful attitude to the natural environment and outdoor ethics. The local community works hard at collecting litter. Some visitors appear to have little understanding of how damaging all litter is either to wildlife, soil or water. We see the 'broken window' effect after each community litter pick: an area is pristine for a while but as soon as one piece of litter appears, the character changes and more litter arrives. Left unchecked, some areas would become dumps.

We understand the problems of setting campfires on the ground or anywhere during a dry spell. Yet rangers report persistent difficulty in getting visitors to recognise the dangers and the damage.

The official approach of Engage, Explain, Encourage and Enforce is not working. We need to change the mindset of irresponsible visitors who actively ignore the rules.