

The byelaw implementation fiasco

Description

On Friday Mountaineering Scotland issued a news release calling for the proposed introduction of camping byelaws on 1st March to be suspended for a year to allow for a re-think. The story was covered in the Herald on Saturday ([see here](#)). It is great that a recreational body (which I was closely involved with in the past) has now clearly stated what should be evident to anyone who has been following the camping byelaw farce and that is the Park is plainly not ready to implement the byelaws. While some of this is due to the incompetence of senior management, the fundamental issue is that it would be almost impossible to implement what is fundamentally a flawed and incoherent set of proposals (as I have highlighted in my last two posts).

In terms of the immediate future, however, Monday is the last Board Meeting that is scheduled before the byelaws are due to commence on 1st March (the next Board Meeting is 13th March). The Board therefore needs to consider whether they are certain on the evidence available that it is safe for the byelaws to go ahead. Among other issues, I suggest they need to provide answers to the following:

1. Has the Park satisfied the legal requirement to consult the Local Access Forum on the proposed permit system (the LAF are a statutory consultee on matters affecting access rights)?
2. Will the Park hold any personal data on campers who book through the proposed electronic booking system? If so, how does the Park intend to use this data and what systems are in place to meet data protection requirements?
3. If the Park does intend to hold personal data about the behaviour of campers, what procedures are in place for people to correct that data and appeal against any actions taken by the Park (eg a decision not to allow a person camping permits in future)?
4. Given that the "camping booking system" was only put out for tender on 10th October and the contract awarded (see below) on 1st December, is it reasonable to expect any IT developer to have an electronic booking system fully up and running in 3 months (or 10 weeks if people are to be able to book permits beforehand). The original deadline of this being ready by 1st January has been clearly missed but the paper claims all will be ready by mid-February. The Board, if it has any experience of IT tenders, should know more often than not they run behind schedule and there are lots of glitches. If it cannot guarantee a fully functioning system is in place 1st February it needs to delay the implementation.
5. Similarly, given that the only proposal is for an electronic booking system, is it really reasonable as suggested in the paper that most of the gaps in mobile phone coverage in the National Park are going to be fixed by 1st March? If the Park has only been able to produce 1 new campsite (and its not finished yet) at Loch Chon in two years, how on earth do they expect phone operators to address gaps in mobile and broadband coverage in this short period? So, what alternatives are the Board going to put in place for people who turn up to camp, find they will become a criminal without a permit but are unable to book one?
6. What is the Board going to do to sort out signage which tells everyone who will be criminalised by the byelaws where they stand and not just campers? ([see here](#)) Again, the issues are so

- complex, how is the Board going to address this in ten weeks?
7. Related to this, how is the Board going to ensure that by 1st March clear messages are given to ALL drivers who might sleep in their vehicles in proposed management zones and all Campervanners and mobile home owners which laybys in the Park are exempt from the byelaws because they are classed as being part of the public roads network?
 8. Moreover, given the Park has stated they don't want to discourage campervanners, despite providing only 20 places across all the management zones, what is the Board going to do about this by 1st March? Its no good saying we recognise there are not enough places. What places are going to be added and where? This decision needs to be taken in public.
 9. What procedures are going to be put into place so the public knows that the byelaws are enforced fairly and transparently? Why were procedures for the enforcement for Fixed Penalty Notices for litter put before the Board for approval but no such procedures are being put to the Board for enforcement of the byelaws? This cannot be right. Moreover leaving enforcement to the discretion of staff when booking systems are not in place and the signage is misleading appears to me an even worse abrogation of Board responsibility. The question is what will the Board do about this?
 10. How can the Board justify the proposed hike in price for Park campsites from £5 to £7 while claiming to be socially inclusive?
 11. How does the Board answer the claim that, by delegating power to staff to vary number of camping permits in zones as they think fit, they are giving staff arbitrary powers? Why are there not procedures for this? What notice do staff need to give campers and caravanners that permit numbers might change? (This is important, someone wants to go fishing on south Loch Earn on a particular date: they book well in advance, can staff simply tell them "tough" we've decided to reduce the number of permits and you cannot come any more?; they leave booking to last minute because weather forecast has been uncertain only to find they cannot go?)

I will look forward to reporting from the Board meeting tomorrow just how many of these questions are answered. If they are not answered, the Environment Minister Roseanna Cunningham, will have every justification – nay I would go further and say she has a obligation – to intervene as Mountaineering Scotland has called for and suspend the implementation process.

There are reasons for the current shambles of course, starting with the incompetence of members of the Park's senior management team. The Park's new commercialisation and estates director, who was appointed to lead delivery of projects (such as new campsites, tender of the permit system etc), is no longer in post. There is no reference to this in the Board Papers or why he went. Was he incompetent (there are several references in the papers to the Park's commercialisation strategy being well behind target and failing to raise the income planned) or did he simply find it impossible to work with Gordon Watson the current Chief Executive?

The original budget for implementing the byelaws included £345k for the Loch Chon campsite, £100k for signs and £50k for the permit system (which is now overspent), a huge proportion of the Park's budget. None of these things was a good idea but it meant there was little money to spend on the

infrastructure the National Park really needs, such as litter bins and toilets. The financial reports show (no mention of this in the last Board paper on the camping strategy) that the Scottish Government has stepped in (which shows just how far the civil servants are behind this project) with further capital grants of £95k.

This Scottish Government funding has enabled the Park to allocate £60k each to South Loch Earn and to Forest Drive to develop proposals for campsites there. While this still hardly starts to tackle the infrastructure provision that is needed, it is a further waste of public funds when public budgets are being slashed all round. Why the LLTNPA don't hire or even buy some portaloos, as happens in other National Parks, instead of paying vast amounts of money to force people to camp in certain places is beyond me. That would however need an alternative approach to "Camping in the Park" the starting point for which should be respect for access rights and allowing people to decide where they want to camp rather than giving this right up to Park officials who are clearly not competent.

Extract from Scotland Contracts Portal on award of camping booking system

2 Contract Details

2.1	Title Camping Booking System								
2.2	Description of the contract Supply of and hosting camping booking system or supply of camping booking system								
2.3	Notice Coding and Classification a) Commodity Codes <table><thead><tr><th>Code</th><th>Description</th></tr></thead><tbody><tr><td>271600</td><td>Software</td></tr></tbody></table> b) Delivery Location/Area <table><thead><tr><th>Code</th><th>Location</th></tr></thead><tbody><tr><td>150</td><td>Glasgow & Strathclyde</td></tr></tbody></table>	Code	Description	271600	Software	Code	Location	150	Glasgow & Strathclyde
Code	Description								
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Estimated Total Value

2.4

Lowest offer: 37000 Highest offer: 72000 GBP

3 Procedure

Type of Procedure

3.1

Single stage – Any candidate may submit a tender.

4 Award of Contract

4.1 Successful Bidders

Name and Address of successful supplier, contractor or service provider

Contract No:

4.1.1

Official Name: Campstead Ltd		
Postal Address: First Floor Unit 4, 212 – 218 Upper Newtownards Road,		
Town: Belfast	Postal Code: BT4 2RW	Country: UK
For the attention of:	Telephone:	
E-Mail:	Fax:	
Internet Address (URL):		

5 Other Information

5.1 Reference number attributed to the notice by the contracting authority

N/a

5.2 Date of Contract Award

01-12-2016

5.3 Number of tenders received

6

5.4 Other Information

(SC Ref:473971)

5.5 Additional Documentation

N/a

5.6 Publication date of this notice:

07-12-2016

Category

1. Loch Lomond and Trossachs

Tags

1. access rights
2. camping
3. Camping bye laws
4. Governance
5. LLTNPA
6. Minister Environment

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Author

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