

The implications of the camping permit booking system for access rights

Description

The Loch Lomond and Trossachs National Park Authority Board meeting in December failed to consider or scrutinise the proposed on-line booking system for permits ([see here](#)) so I submitted a number of Information Requests. This post will consider the information I have obtained on the proposed electronic booking system for campsites and permits, including the cost ([see here](#)) and how the booking system is likely to operate as set out in the specification in the final section of the [tender document](#). The way the booking system will operate has significant implications for access rights.

First, the costs. The response provides further evidence ([see here for car park charging example](#)) of the complete incompetence of the LLTNPA when it comes to procurement of infrastructure. The Park thought it could buy an all-singing and all-dancing electronic booking system for one year for between £10-£20k. Anyone with a bit of basic common sense should have been able to tell them that the requirement in the tender document that the “Supplier must be able to provide a technical support hotline between 9am and 5pm, five (5) days a week between January and October” in itself would have cost more than this. Or was the Park expecting the technical support to be farmed out to somewhere in Asia where people get paid peanuts? Couple this with designing/adapting software, meeting Park staff, training etc and its not surprising therefore the lowest tender return was £37k and the highest £72k, i.e way over the Park’s estimates.

This matters for two reasons. First, its not just the booking system but also the cost of new campsites (£345k for Loch Chon), the cost of signage (£100k for an inadequate set of signs), staff time, in fact the whole Your Park “project” that the LLTNPA has failed to cost properly. Some of this is due to the incompetence of staff but some also is due to a failure of the LLTNPA Board, despite all their secret meetings, to think through the financial implications of the camping byelaws. This failure is something the Park’s Auditors and Audit Scotland should be investigating. The second reason this matters is that there has been no cost/benefit analysis of the proposed byelaws. One of the main original justifications of the camping byelaws on east Loch Lomond was that if the Park could prevent problems happening it would reduce costs. In fact Ranger Patrols increased on east Loch Lomond, because of the need to chase away all those pesky West Highland Way backpackers, and I believe the new permit system will increase those costs even further. The time required to check permits and see if campers are in the right place (see below) will be significant. As I have said before, more and more of the LLTNPA resources are being diverted into policing the unpoliceable without any consideration of the alternatives.

Civil liberty implications of the booking system

The tender document shows the LLTNPA, in order to operate the byelaws, is going to be collecting and keeping a wide range of personal information on people. This contrasts to the current position where, under access rights, people can go to the countryside and not tell anyone who they are and where they intend to go. In effect the Park is proposing to remove civil liberties and the right to freedom of movement and replace this by an extensive surveillance system.

The core data the Park will be collecting on people, which in parkspeak is called “Customer information” – if you are being forced to apply for a permit to camp in what sense are you a “customer”? – will include the following (with the ability to add additional fields):

- a. Contact name: first, last, title;*
- b. Phone numbers: mobile, home, business, other;*
- c. Email address;*
- d. Mailing address;*
- e. Billing address for card transactions;*
- f. Preferred method of contact;*

What’s not clear yet is what will happen if people are unable to fill in these basic fields (e.g you are homeless or have no email) or don’t want to give this information to the LLTNPA. This though is just the start:

- 6. The system must capture the following information for each booking;*
 - a. Customer name;*
 - b. Date of arrival and departure;*
 - c. Method of arrival; (car, cycle, foot, boat, other)*
 - d. Vehicle registration number if arriving by car;*
 - e. Amount paid and payment method (e.g. cheque, credit/debit card or cash)*
 - f. Number of adults and children in group and ideally age ranges*
 - g. Description of tent; (make, colour)*
 - h. Acknowledgement of site rules;*

So what business of the Park is it to know HOW people intend to travel to the campsite or permit area? Why do they need this information, is it because the next thing the LLTNPA want to do is

control how people travel to campsites and permit areas? (There's reason to believe so, see below) What's going to happen if someone changes their mind and decides to travel by car instead of bike – will they have to make a new booking? What's going to happen if there is a group, a couple of whom have cars and haven't decided or change their mind at the last minute of which car they want to use? Why should people tell the Park the make and colour of their tents and what happens if people have not decided what tents to take?

Its easy to see why the Park want to collect this information, they think it will make it easier to enforce the byelaws (“ah, I can see an green vango on pitch x, that looks like the right person is staying there, no need to check the permit”). Unfortunately for the LLTNPA, people do not behave in the predictable ways the Park wants. One of the beauties of access rights is there is no-one watching you or there to object if you change your plans.

The tender suggests that the LLTNPA is intending to keep ALL the data required by the booking system, including personal information:

At the end of the contract, Supplier must make all data available to Park Authority in a format agreed with the Park Authority.

What is more it makes it clear that:

Customer information may be used for byelaw enforcement purposes so the system needs to incorporate an appropriate form of verification of customer information.

So, not only will people have to provide far more information than they would making an online booking to a normal campsite (who rarely ask for number plates let alone colour and make of tent) they will have to prove this information is correct. How? Will people have to scan in a form of i.d?

What the Park has also failed to explain is how all this information on campers will be used for enforcement purposes. To give an example, Park Rangers visit a permit area one morning to find a significant mess, indeed criminal damage has been caused – the other campers in the area say it was not them but two people in a green vango nemesis who got up and left early. Is the Park then going to search the database for all people who have previously registered a green vango nemesis tent when booking a permit and use this to try and catch the people? We simply don't know. The scope for the

Park to mis-use this data seems enormous and they have given no indication of why they should be trusted with it.

The further erosion of access rights

The tender specification has a section called “*Campsite and permit area information*” which interestingly at present contains NO provision to book campervans and which has further implications for access rights:

c. Maximum number of vehicles allowed;

Vehicles are not covered by our access legislation but by the road traffic acts. Indeed roads, verges and laybys are specifically exempt from the camping byelaws so there is nothing to stop people leaving their vehicles on the “road” by a campsite or permit zone as long as this is not prohibited under other legislation ([see here](#)). The Park though appear to be planning to refuse permits once the “maximum number of vehicles allowed” have been booked which is no doubt why they are wanting to know how people intend to arrive at a permit area. In my view, this would be unlawful because even if a permit area has no formal parking places or what off-road car parking places there are are fully booked, the Park have no power to stop a person travelling to the permit area by a vehicle and leaving it on the verge of the road (unless a clearway order is in place) or an official layby.

e. Pets allowed or not;

Similarly, the LLTNPA only have the right to limit pets – though why would they want to do so? – on formal campsites, not in permit areas. There is no provision to ban or control dogs or other domestic animals that would count as pets in the byelaws and under the Scottish Outdoor Access Rights “*Access rights apply to people walking dogs as long as their dogs are kept under proper control*”. Anything in the booking system therefore that suggests that people are not allowed to bring pets to a permit area would be in contravention of access rights and again opens the LLTNPA to legal challenge.

h. Arrival time and instructions;

i. Departure time and instructions;

j. Specific clean up requirements;

Currently under access rights if a person arrives at their intended camping location early, it does not matter and if its bucketing with rain they just put up their tent and that's that. Now, if a person turns up early they potentially commit an offence. It will be interesting to see if the LLTNPA try to add anything to "instructions" beyond that contained in the camping provisions of the Scottish Outdoor Access Code. The field for "specific clean up requirements" suggests they intend try and do so.

What next?

I hope this analysis has shown that the implications of camping byelaws, as illustrated by outline of the camping booking system, are far more complex than the LLTNPA has indicated to date and that they have failed to consider these implications properly. Its not just the LLTNPA Board has failed to consider this properly, the Local Access Forum, a statutory consultee, has been given no opportunity to do so – amazingly, at their last meeting on 4th October, just weeks before the camping development strategy and permit system was to be considered by the Board, the Your Park section of their agenda consisted of a "verbal update". The LLTNPA has continued to disregard the role of the LAF as statutory consultee and I think its long past time that they were removed from the National Access Forum and that the National Access Forum subjects the LLTNPA proposals to proper scrutiny and produces a report on their implications for access rights. Much as I would like the Scottish Government to do the same, at present they seem blind to the implications for access rights though I have hopes that with public pressure, the Scottish Parliament will eventually wake up as to what is happening.

Category

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Tags

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