

The implementation of the camping byelaws and the LLTNPA Board

Description



Loch Chon campsite 5th March – unfinished. The Board papers state I was sent this photo as an attachment without a credit but my thanks to whoever took it. There are lots of people now using photos to prove the false statements and claims of the LLTNPA.

The camping byelaws dominate the lengthy agenda of the Loch Lomond and Trossachs Board meeting on Monday. There is information or decisions about the byelaws and camping plans under almost every agenda item ([see here for papers](#)) as well as a specific paper on Your Park.

The most important thing that should have been discussed by the Board however is completely missing and that is how they are going to enforce the byelaws. In [EIR REVIEW 2016-057 Response](#) on 19th January the LLTNPA stated in writing it was going to develop an enforcement policy. There is no need to read the whole letter, just this extract , particularly the final sentence:

“all information relating to any intention to prosecute whether internal, discussions or communications with the police, procurator fiscal, Forestry commissioner anyone else who might be involved in enforcing the byelaws.”

It is not within the Park Authority’s remit to decide whether to prosecute a breach of the byelaws or not – this is the role of the Crown Office. As referred to in our response letter Ref EIR 2016/065 dated 10th January 2017, Rangers have the authority to enforce the camping byelaws, and will, as a last resort when efforts to gain compliance have been unsuccessful, be able to report a contravention of the byelaws to the Procurator Fiscal. Any decision regarding whether or not to prosecute a contravention of the byelaws will be taken by the Crown Office. As the decision about whether to prosecute is not one that falls within the Park Authority’s remit, we do not hold any information about this issue. The original response in this case is therefore upheld.

You are correct that the Park Authority has engaged with the Crown Office previously, but this was regarding the process for reporting breaches of the Byelaws and evidential requirements. As a result the Park Authority holds an email between our in-house solicitors summarising how the reporting process should work, but this does not fall within the scope of your request for information. In any event, it is legally privileged and as such falls within the exception for confidential information. Accordingly I have to advise that this information has been withheld under R10(5)(d) of the EIRs. I have considered the public interest in respect of the withholding of this information and have determined that the public interest in withholding what is legally privileged information which does not fall within the scope of your request outweighs the public interest in its release into the public domain.

Finally, given your interest in the enforcement of the byelaws, the Your Park project team is currently in the process of developing an Enforcement Policy. This will be released to the public in due course via our website.

The section in bold was my question to the LLTNPA, the rest is the response

The LLTNPA Board needed to agree an enforcement policy and procedures for fixed penalty notices for litter and without one for the byelaws, I believe it will be very difficult for LLTNPA staff to take any enforcement action at all.

As predicted, the Your Park paper contains a recommendation to revoke the east Loch Lomond byelaws – nothing is said about how this will criminalise all except landowners and their closest relatives from putting up shelters or tents in their own gardens ([see here](#)) but it also contains an Appendix from officers claiming progress in a number of areas [Board_20170313_Agenda5_Appendix-1_Your-Park-Update.](#) This is an essential read for anyone who cares about truth.

The first substantive point reads: *Loch Chon campsite is on course for completion and handover by the contractor for operation by the National Park Authority in time for 1st March 2017.* The photo above proves this was not true and LLTNPA staff knew this was not the case before the papers went public – so either staff are deliberately misleading the Board or papers were sent out to the Board well before the 1st March. If that is the case, it would confirm the Board has a deliberate strategy of trying to reduce the likelihood of adverse publicity or representations to members before meeting.

The other amazing claim is that: *“The website includes full descriptions of permit areas including photographs”* What the paper does not say is that the photos do not show what the permit areas are actually like ([see here for Firkin Point and Inveruglas](#)). There’s lots more on social media and I would commend this video from Ramblers Scotland <https://twitter.com/ramblersscot/status/839416979282853888> not least because it shows they are now starting to campaign against the byelaws, rather than simply oppose them.

The paper also fails to report whether all the permit areas have mobile coverage for online bookings, which Park staff had promised would be in place 1st March at the last Board Meeting and, if not, what arrangements for paying might be.

The paper is much briefer than previous Your Park papers, possibly because if Park staff had said any more, they would simply have incriminated themselves further. The Board though can’t sit by and pretend the launch of the byelaws has not been a disaster – remember the Minister delayed the implementation date by a year to let the Park plan properly. What the Board should do is correct the lies, untruths and omissions in the papers, consider who is responsible for this and take appropriate action – an early test for the new Convener’s integrity .

There is plenty else in the papers to suggest that that any action the Board takes should not just be an attempt to catch-up – and brush off all the failures as teething problems – but rather a rethink of where they are heading.

The most serious problem facing the National Park is the amount of resources it is now devoting to Your Park. This is only partly shown in the budget for this year (which is also being considered at the Board Meeting). The reason for this is that *“The Your Park operational costs for 2017/18 have been allocated into the appropriate management areas so that they move into ‘business as usual’ operating costs. A summary of the Your Park costs is shown at section 8 below for information.”*

In fact the Your Park operational costs only show additional staff costs of £156k – see second bullet

below – not the salaries of existing staff who now work full time on Your Park. That includes the bulk of the largest ranger service in Scotland, the parkspeak communications team, senior management time etc – i.e its a gross underestimate.

8. Your Park Operating Costs Summary £226k

- 8.1 The operating costs for Your Park are included in the appropriate categories. As this is the first year of operation it seems helpful to summarise these for Members in understanding the impact of Your Park implementation:
- Income £35k from sales of permits, pitches and firewood
 - Salaries £156k additional staff costs required in this first year of operation (offset by savings target of £120k)
 - Property Costs £45k to manage the permit and pitch areas at Loch Earn and 3 Lochs Forest Drive
 - Transport Costs £25k for projected increased use of our existing service the Your Park patrols.
 - ICT Costs £12.5k to run the camping booking system is £8.4k and communication costs
 - Goods for Resale £1.1k which is the cost of firewood
 - Administration Costs £21.5k for printed materials and communication to enhance public awareness

9. Project Expenditure £4.4m

There needs to be completely transparency on this issue, of what its costing the Park to chase off innocent campers and campervaners and then compare this to the cost of putting in the infrastructure the National Park so desperately needs (such as provision and emptying of litter bins) and of extra policing to deal with the few anti-social campers. There has never been any cost benefit analysis of the Your Park proposals – there should be, and its time Audit Scotland became involved.

The broader issue is that all this needless expenditure is diverting money from the conservation objectives of the National Park. Among the other Board papers is the new draft Partnership Plan, which sets out what the National Park aims to do over the next five years (which I will consider in a future post). While there are some positive conservation objectives, the National Park is almost entirely dependant on others to fund these because all its resources are being devoted to policing the camping byelaws. It need to get back to being a National Park rather than a Camping Authority.

Among the other papers which deal with the camping byelaws are:

- Matters Arising, which shows the LLTNPA has successfully twisted the arm of the Forestry Commission to increase its campsite charges at Salloch from £5 to £7 to match those needed at Loch Chon and Loch Lubnaig which were vastly overspecified and needlessly expensive. This paper also says that the LLTNPA is going to spend more money putting up signs telling people they are leaving a camping management zone – since most people are unlikely to know what this means, this appears a further waste of scarce resources.
- The Operational Plan, which indicates that the LLTNPA is going to record the number of byelaw infringements between March 2017 and March 2018. NB the byelaws run to 30th September so what the Park is recording for the extra five months of the year I am uncertain – it does though rather highlight the absurdity that if you collect two twigs for a fire on 30th September, you risk getting a criminal record, but if you collect and burn enough wood for Guy Fawkes on 1st October you face no consequences under the byelaws.
- The Risk Register which shows the National Park has identified the Your Park proposals as a major risk to its reputation. After all the social media coverage in the last two weeks the Board, if it got any sense, should see that a change of course is the only way its going to be able to limit that damage. The risk register though records any change of course resulting from new members coming onto the Board as a risk which needs to be managed! In other words new Board Members need to be told to get behind the camping byelaws! I suspect that until new members are appointed (which may happen as soon as the council elections in May) nothing will change.

Category

1. Loch Lomond and Trossachs

Tags

1. camping
2. Camping bye laws
3. conservation
4. Governance
5. LLTNPA
6. secrecy

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