

Loch Lomond Byelaws Review

**CONSULTATION DOCUMENT
JULY - OCTOBER 2022**



Contents

Introduction	3
Why are the byelaws being reviewed?	4
Nature and climate.....	4
What has changed on Loch Lomond?	5
Key issues to address	6
Proposals to address these issues	6
Proposal 1	
Introduce Low Powered Activity Zones.....	7
Proposal 2	
Realignment of the current 11kph boundary to the south of the island of Inchmoan.....	18
Proposal 3	
Compulsory wearing of Personal Flotation Devices (PFDs) for young people on all vessels when on an open deck	20
Proposal 4	
Transfer liability for offences committed by young persons in sole charge of powered vessels to the Owner or Registered Owner of the vessel	21
Proposal 5	
Introduce a Loch User Registration Scheme	22
Proposal 6	
Amend the existing Permission to Trade byelaw to solely deal with business practices causing nuisance on the loch and its surroundings	23
Other matters considered	24
Responding to this consultation	25

Cover and aerial photography
© turkeyredmedia.com



Introduction

Loch Lomond is a special place, for its value to nature and the environment, for the multiple recreation and wellbeing opportunities it offers, and the economic value it provides for the many businesses and communities around it.

It is the largest body of freshwater in mainland Britain and is an iconic place due to its range of special environmental qualities including Sites of Special Scientific Interest (SSSI), Special Areas for Conservation (SAC), and Special Protection Areas (SPA). Large numbers of people enjoy many types of recreation activities on and around the loch all year round and many businesses and communities also thrive on the opportunities that Loch Lomond offers.

Byelaws are in place on Loch Lomond, and not on other lochs in the National Park, because of these specific characteristics and to help manage the careful balance between these multiple uses and opportunities.

In particular, they were introduced to manage:

- ▶ **Safety on the loch**
- ▶ **Disturbance to loch users**
- ▶ **Disturbance to wildlife**

Why are the byelaws being reviewed?

The Loch Lomond Byelaws are required by law to be reviewed every ten years and were last reviewed in 2012.

It is also important that the byelaws are reviewed to adapt to changes on the loch to ensure they remain fit for purpose, providing clear rules and guidance to support safe and responsible enjoyment of the water and robust deterrents to change irresponsible and dangerous behaviours in relation to people and the environment.

The byelaws are being reviewed this summer.

The main outcomes the review aims to achieve are:



Safer enjoyment of the water for all loch users and especially young people



Protecting the environment



Increased participation in healthy recreation by making space for all users and types of activities



Minimising incidents of anti-social behaviour and disturbance to communities and loch users



Appropriate and effective management and enforcement through clear and understandable rules

Nature and climate

- ▶ The impacts of the twin global crises of nature loss and climate change are already being felt across the National Park.
- ▶ The National Park Authority has set ambitious targets for restoring nature and achieving net zero emissions as an organisation and will be stepping up work on nature and climate even further over the coming years.
- ▶ These ambitions will be explored and consulted on in more detail as part of the overarching strategic plan for the whole National Park, the National Park Partnership Plan, which is being developed later this year.
- ▶ The Loch Lomond Byelaws along with a range of other existing legislation and designations will continue to play a part in helping to manage impacts on nature and climate on the loch.
- ▶ **This byelaw review also presents an opportunity to begin discussions with key stakeholders on how to further monitor and manage environmental impacts on Loch Lomond. In light of these discussions and impacts, the National Park Authority can and may choose to carry out a further review of the byelaws in the coming years if this is deemed appropriate.**



What has changed on Loch Lomond?

There have been significant changes in the type and volume of recreation activities enjoyed on Loch Lomond, particularly in recent years. More and more people are enjoying non-powered activities such as swimming, paddleboarding and kayaking as well as spending time by the water, even if not taking part in a specific activity.

Nationally there has been a 10% increase in non-powered, water-related activities and a 14% increase in people visiting lochs. (NatureScot).

This national upward trend in activity is generally felt by staff and stakeholders to be even higher on Loch Lomond.

At the same time the volume of motorised craft on the loch has also increased, with personal water craft (PWCs) becoming the most popular type of craft on the loch. There was a 13% increase in registrations of all powered craft 2019-2021 and a 38% increase in registrations of PWCs.

While more people enjoying the loch responsibly is a positive, these changes combined also increase the potential for conflict between the ways different users want to use Loch Lomond. At times this has led to incidences of disturbance, anti-social behaviour and increased risks to different users.

The number of contraventions of the byelaws has also significantly increased in recent years. There was a 119% increase in total contraventions 2019-2021. The highest number of contraventions (44%) was for speeding in lower speed limit zones.


The majority of these are concentrated into certain areas of the loch where increases in other activities are also taking place.

While this may reflect a change in behaviours, it also indicates that the existing byelaws may not provide a strong enough deterrent to the minority of loch users who are not receptive to general responsible enjoyment messages.


It is vital that this review takes these changes into account so that the byelaws are updated to better help to manage the uses and behaviours of concern taking place on the loch.

The experience of the National Park Authority and its partners in implementing and enforcing the byelaws over the years provides further valuable information which must be taken into account to ensure that the byelaws can be understood and implemented as effectively as possible.

These changes and experiences, along with insight from key stakeholder groups, have been used to inform proposed changes to the byelaws outlined in this document, particularly to create clear rules for the busiest areas of the loch to avoid accidental violations and provide deterrents and efficient enforcement processes to reduce deliberate contraventions.

10%
INCREASE ▲ 

nationally in non-powered, water-related activities such as swimming, fishing and paddle sports. (NatureScot)

13%
INCREASE ▲ 

in all powered vessels registered for use on Loch Lomond 2019-2021

38%
INCREASE ▲ 

in Personal Water Craft registered for use on Loch Lomond between 2019-2021

BETWEEN 2019-2021

 **119%**
INCREASE ▲

in total number of recorded byelaw contraventions

 **44%**

The majority (44%) related to speeding in the existing 11 kph zones.

Key issues to address

To help achieve the outcomes set out above the following key issues have been identified to be addressed by the byelaw review:

- ▶ Irresponsible use or antisocial behaviour by some Personal Water Craft users
- ▶ Disturbance to communities and other loch users
- ▶ Powered vessels travelling at speed close to shore
- ▶ The risk of fatalities due to cold water shock
- ▶ Young people in sole charge of powered vessels
- ▶ Challenges identifying individuals leading to difficulty progressing enforcement cases
- ▶ Unnecessary duplication with existing legislation regulating business practices on the loch

Proposals to address these issues

With these outcomes and issues in mind, a suite of revisions to the current byelaws are being proposed. Each of these proposals have and will continue to be tested based on the following principles:

- ▶ **Proportionality** – is the proposal a reasonable and proportionate response to the issue identified?
- ▶ **Evidence base** – is there evidence to support this proposal?
- ▶ **Enforceability** – can this be easily enforced, or will it make enforcement easier?
- ▶ **Practicability** – how easily can this be implemented?
- ▶ **Impact** – will the proposal truly help to address the issues required and not cause additional issues?
- ▶ **Alternatives** – can this issue be addressed in another way (for example through our own procedures, highlighting this issue in a national conversation, through communications campaigns, etc) rather than through the byelaws?

Six fundamental changes have been identified based on these tests and explored with a wide range of stakeholders with an interest in Loch Lomond. These proposed changes are summarised on the following pages.





Proposal 1

Introduce Low Powered Activity Zones

What is being proposed?

- ▶ Introduction of a new byelaw creating zones for low and non-powered activities only.
- ▶ These zones would be small in nature and in areas where there is considered to be an increased risk of conflict, disturbance and safety issues.
- ▶ Powered craft permitted to use these zones would be limited to only vessels under 15 horse power (11.2 kilowatts).
- ▶ When considering these proposals, potential displacement to other lochside settings should also be taken into account.

Outcomes this would help to achieve:

-  Safer loch
-  Increasing participation in healthy activities
-  Minimising disturbance and anti-social behaviour
-  Better management and enforcement

Reasons for this proposal

As indicated on Page 5 (What has changed on Loch Lomond?), more people enjoying the water in different ways and for their physical and mental wellbeing is a positive, but this does also raise the risk of conflict between types of use of the loch, particularly in certain areas where these activities are most popular.

The National Park Authority receives complaints from members of the public about the conduct of others via direct contact with our Ranger Service and via our public mailboxes. These can be a useful indicator of trends in behaviours, particularly when viewed beside the complaints escalated through our official complaints procedure and our byelaw contravention data.

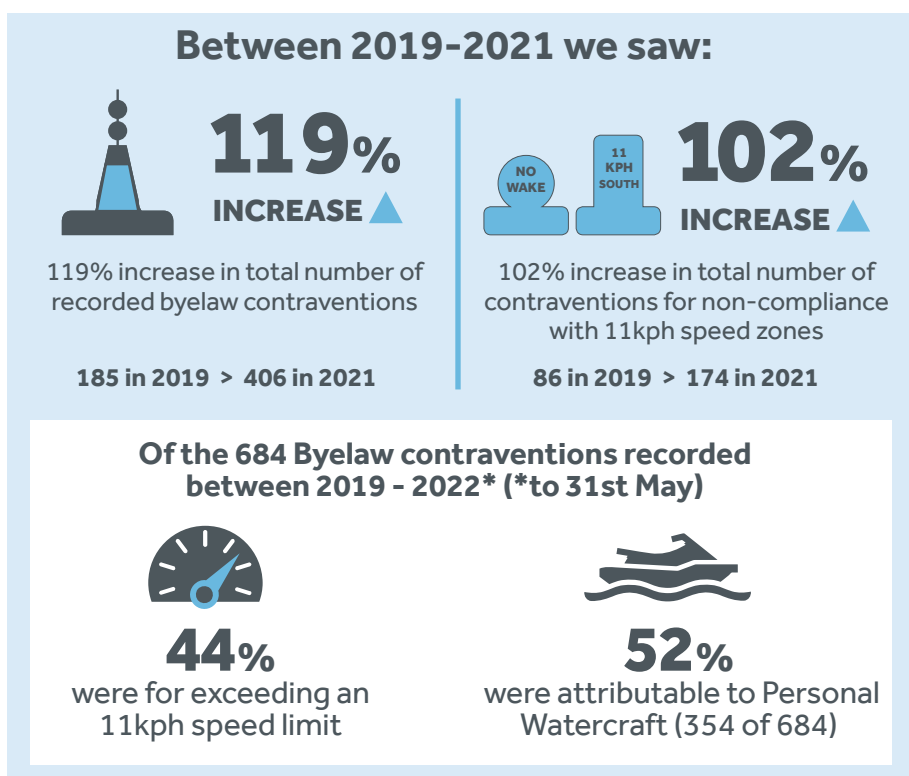
From 223 frontline complaints recorded between April 2016 – May 2022 linked to irresponsible vessel use on the loch, many were concentrated around busy locations which have good access and facilities, such as Luss (31%), Duck Bay area (12%), Milarrochy (9%), and Balloch (8%).

58% of the 223 complaints related to PWC behaviour. This is seen most acutely at Luss where 64% of frontline complaints related to irresponsible behaviours by PWCs.

Similarly, 83% of complaints escalated to our official complaints procedure were in relation to PWCs and motorised vessels, with irresponsible use of PWCs, noise and speeding being the three most common types of complaint. 28% of all escalated complaints were in the Luss area, with 26% in the Balloch and Duck Bay areas.

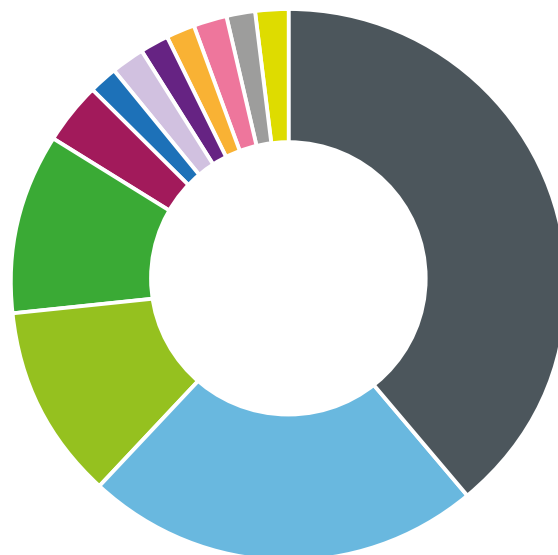
We also have seen a significant increase in byelaw contraventions between 2019-2021 with the highest number of contraventions attributable to PWCs.

The charts and visuals provided here and on page 9 outline contravention types and areas where they occurred.



Byelaw contraventions by type (2019 - 31st May 2022)

Type	No.	%
Exceeding 11 Kph Speed Limit	300	44%
Display Annual Mark	178	26%
Failure to register	87	13%
Display of Registration Number	86	12.5%
Not wearing/ carrying PFD*	11	2%
No Observer for Recreational Towing	7	1%
Reckless Navigation	4	0.5%
Transfer of Ownership Notification	4	0.5%
Young Persons	3	0.5%
Failure to Conform to Direction of Ranger	2	0.3%
Display of Correct Lights	1	0.1%
Due Care & Attention	1	0.1%
Total	684	100%



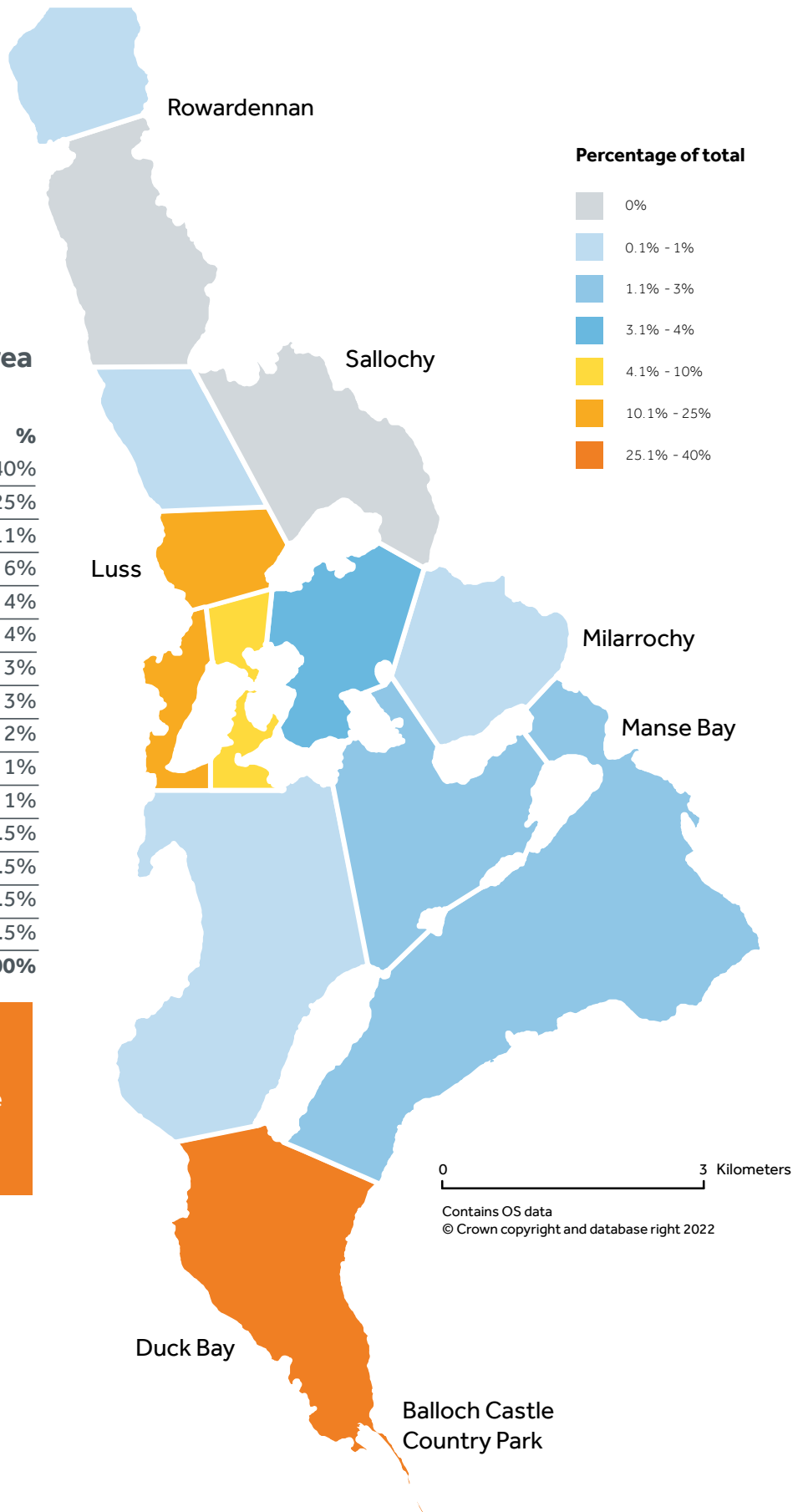
*Personal Flotation Device

Byelaw contraventions by area (2019 - 31st May 2022)

Area	No.	%
Leven Basin/Duck Bay	227	40%
Luss	142	25%
Inchtavannach	64	11%
The Narrows	34	6%
Inchmoan North Bay	24	4%
Inchmoan South	21	4%
Little Ireland	19	3%
Balmaha Basin	15	3%
Milarrochy	7	2%
Culag	5	1%
Midross	4	1%
Inveruglas	2	0.5%
Sallochy	2	0.5%
Inversnaid	1	0.5%
Rowardennan	1	0.5%
Total	568	100%

The majority of contraventions (44%) related to speeding in the existing lower kph zones, with the Leven Basin, Duck Bay and Luss the standout hotspots.

Disclaimer:
The zones depicted on this diagram are for illustrative purposes only.



Proposed Low Powered Activity Zones

The maps on the following pages show the specific zones being proposed.



Balloch Castle Country Park
Low Powered Activity Zone p11



Duck Bay
Low Powered Activity Zone p12



Luss
Low Powered Activity Zone p13



Manse Bay
Low Powered Activity Zone p14



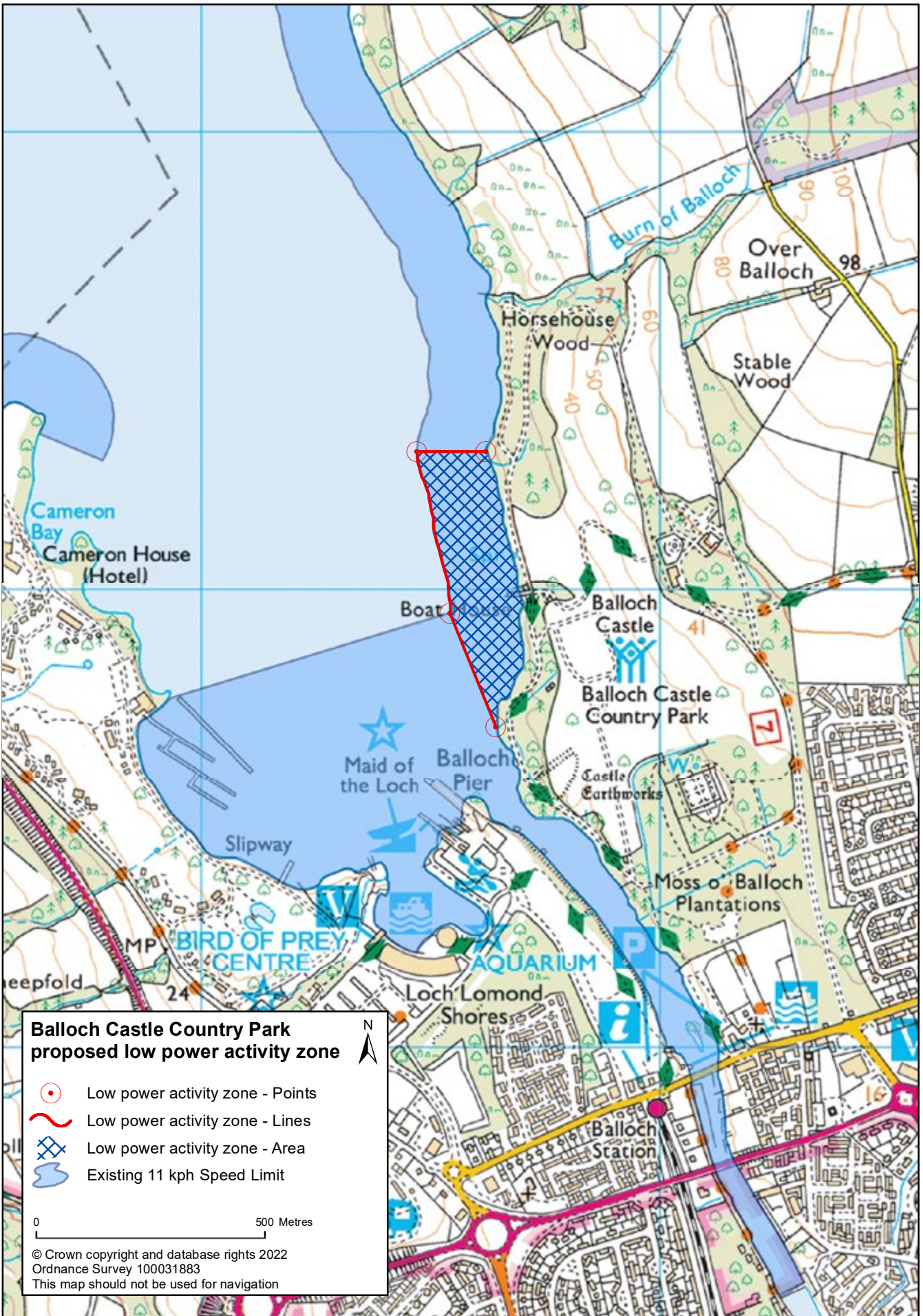
Milnarrochy
Low Powered Activity Zone p15



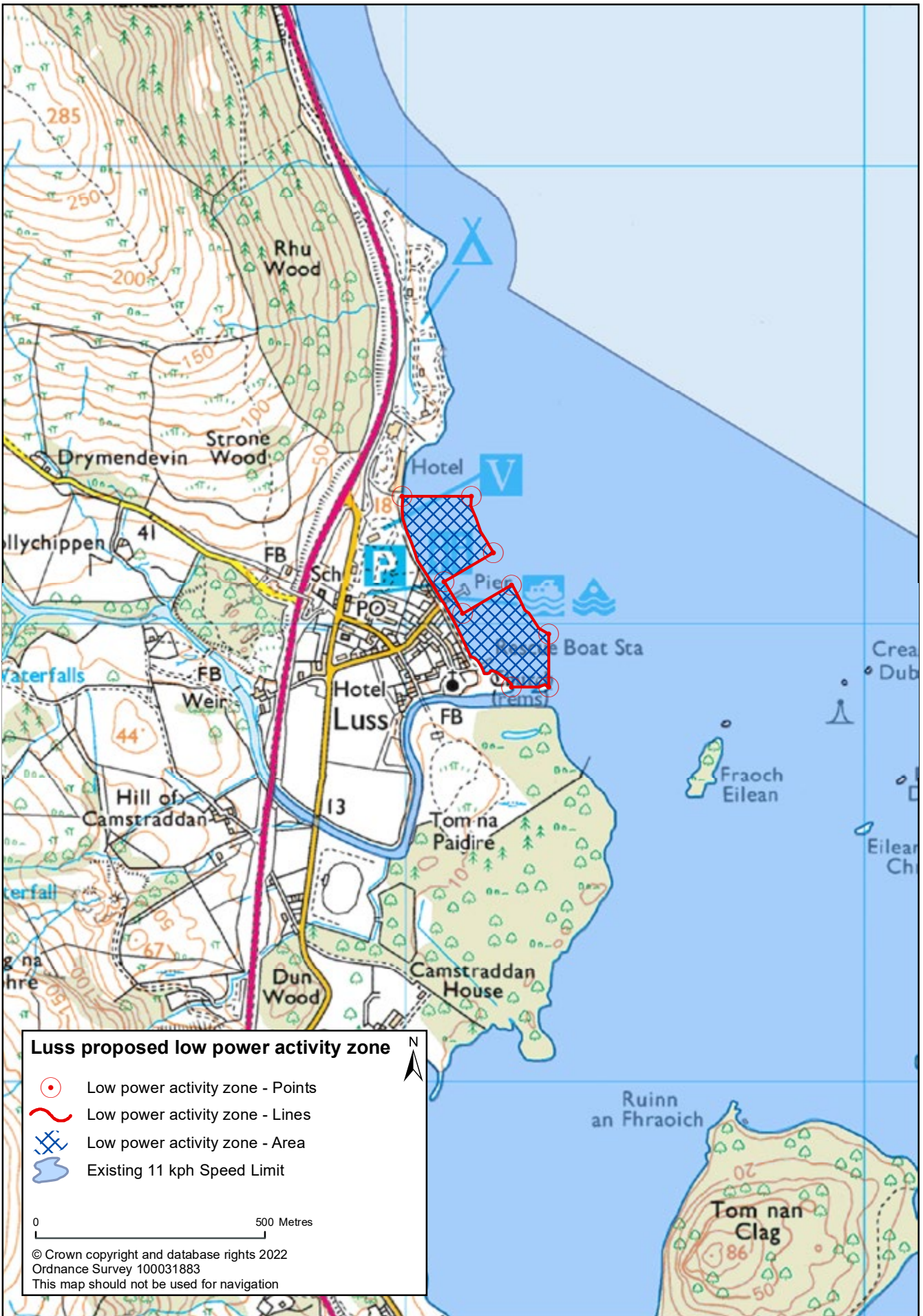
Sallochy
Low Powered Activity Zone p16

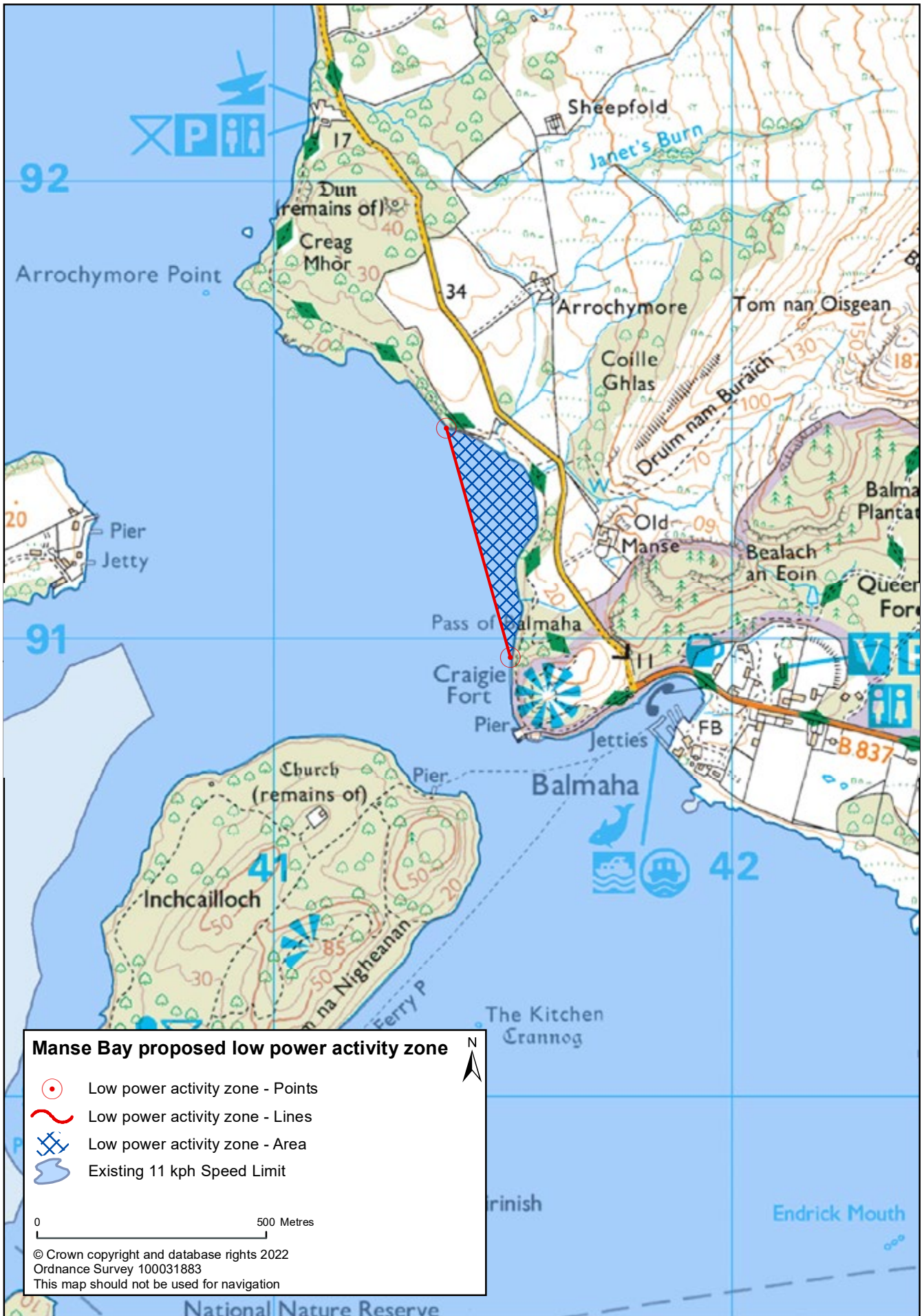


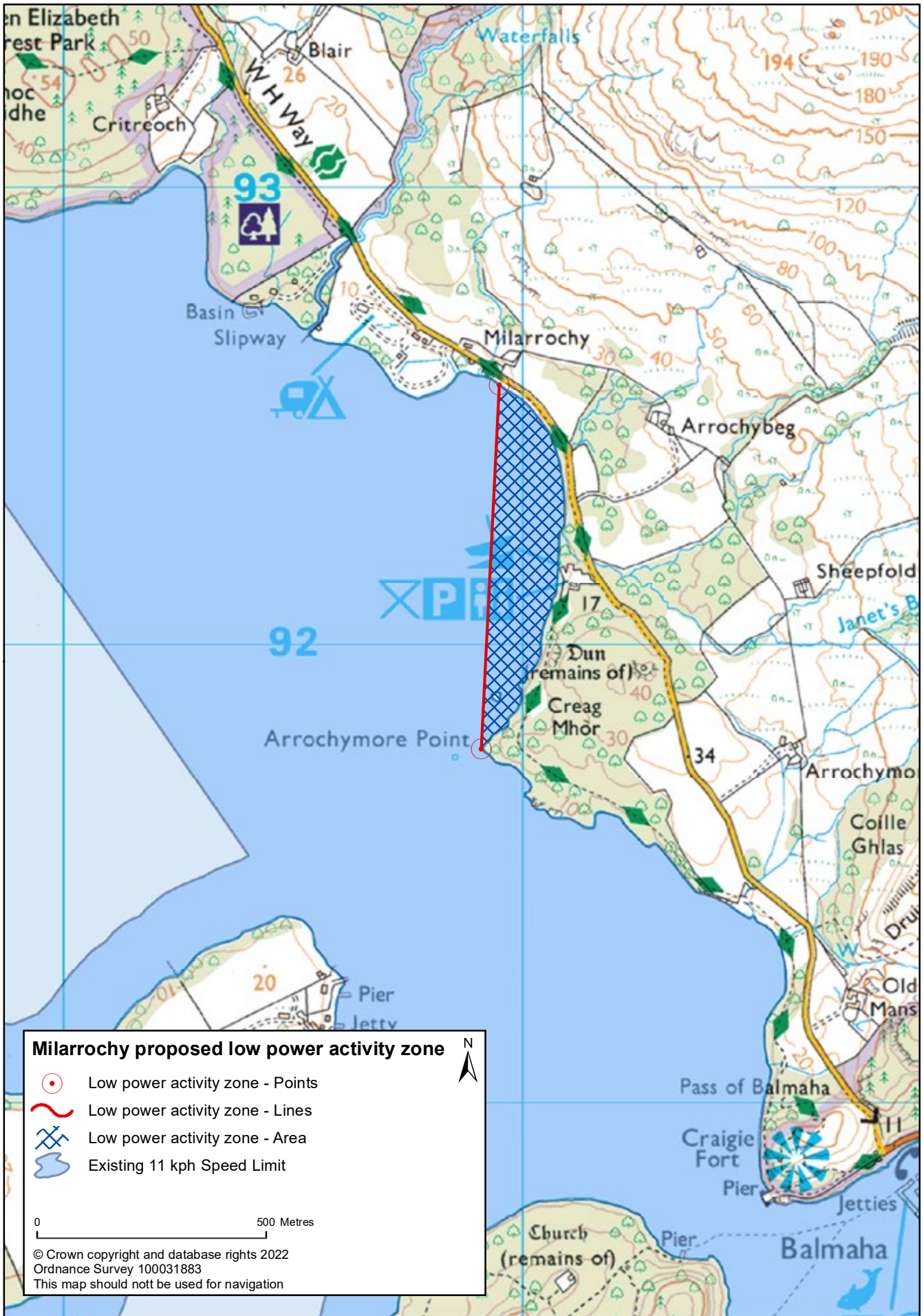
Rowardennan
Low Powered Activity Zone p17















Proposal 2

Realignment of the current 11kph boundary to the south of the island of Inchmoan

What is being proposed?

- ▶ Reduce the current 11kph areas in the area south of Inchtavannach, Inchmoan and Inchcruin.

Outcomes this would help to achieve:

-  Safer loch
-  Better management and enforcement

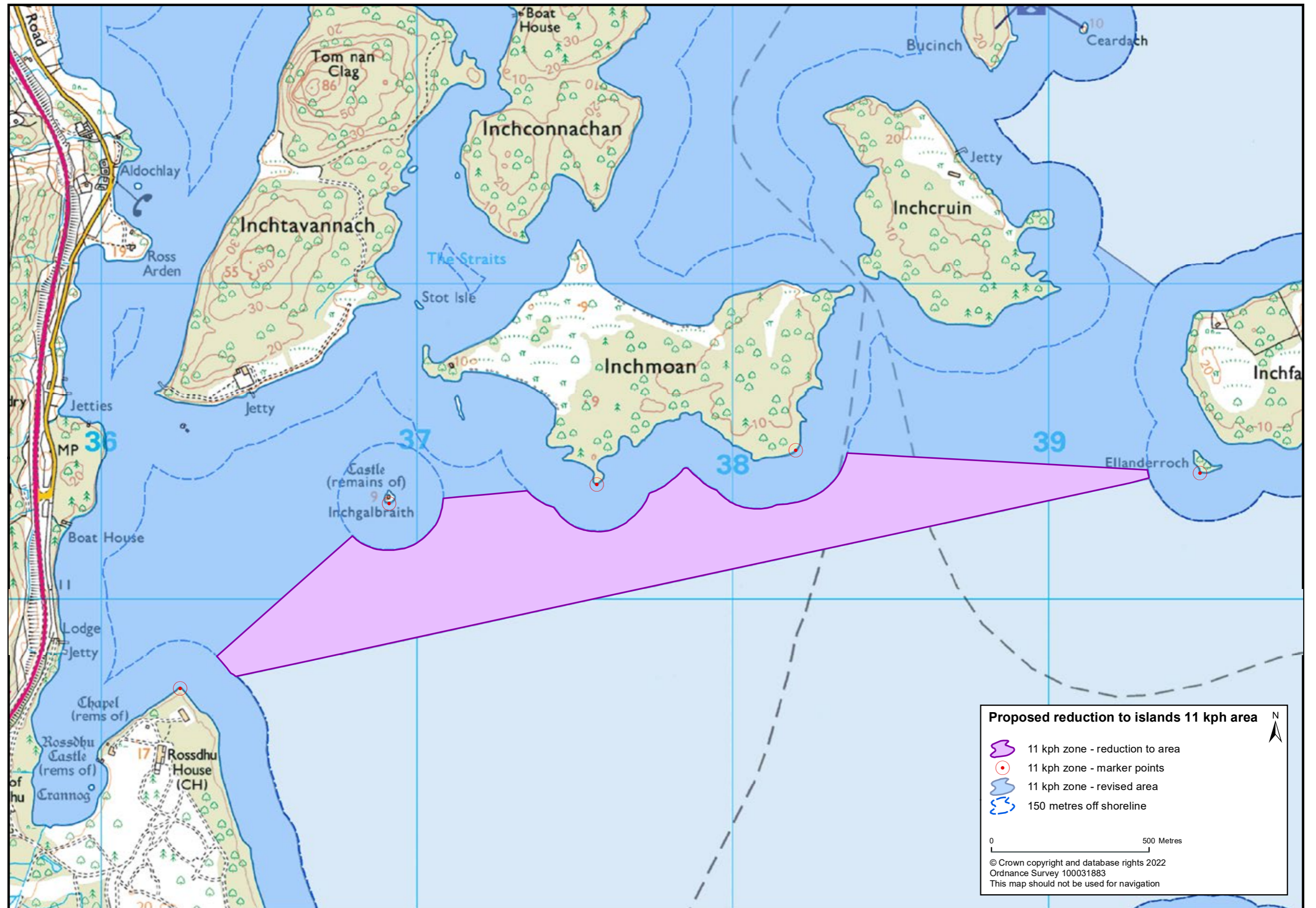
Reasons for this proposal

Based on the extensive experience of the National Park Rangers and discussions with stakeholders, the current zone boundary in this area of the loch is understood to be difficult for motorised craft users to identify on the water.

This means that some loch users are not clear on when they are required to reduce speed in order to comply with the byelaws, as well as making enforcement of speeding contraventions in this area more challenging.

Using Inchgalbraith as a visual geographic reference would allow vessel users to ascertain their position in relation to the lower speed limit zone much more easily and in all weather conditions. This is replicated to the east between Ellanderroch and Inchmoan.





Proposal 3

Compulsory wearing of Personal Flotation Devices (PFDs) for young people on all vessels when on an open deck

What is being proposed?

- ▶ Introduce compulsory wearing of Personal Flotation Devices (PFDs) for young people (under 16) on all vessels when on open decks.
- ▶ The wearing of PFDs by all loch users will continue to be promoted through the National Park Authority's water safety communications campaign.

Outcomes this would help to achieve:



Safer loch


Reasons for this proposal

Under the current byelaws, Personal Flotation Devices (PFDs) such as lifejackets or buoyancy aids need to be carried on board powered and non-powered vessels but it is not compulsory for these to be worn.

While the safety of all loch users is of the utmost importance, adult loch users can be reasonably expected to make an informed decision on when it is necessary to wear personal flotation devices for safety reasons. However, for young people under the age of 16, the ability to make an informed decision about their personal safety is reduced.

In surveys carried out between 2006 and 2011 at Duncan Mills Memorial Slipway*, 94% of children were noted as wearing PFDs. However, the National Park Authority believes the target for children and young people should be 100%. This proposal would go further to increase safety for young people and reduce the likelihood of drowning due to cold water shock by introducing the compulsory wearing of life jackets or buoyancy aids for under 16s on all vessels (including non-powered vessels).

For the avoidance of doubt, commercial operators would be exempt from this byelaw as they are covered by parallel legislation.



94%
of children wearing
Personal Flotation
Devices*



OUR TARGET
100%

Proposal 4

Transfer liability for offences committed by young persons in sole charge of powered vessels to the Owner or Registered Owner of the vessel

What is being proposed?

- ▶ Transfer of liability from a young person to make the Registered Owner or Owner of the craft liable for the actions or activity of the craft when a supervising adult is not on board.
- ▶ Young people will be able to use vessels under 5 horse power and have opportunities at entry level to enjoy water recreation.

Outcomes this would help to achieve:

-  Safer loch
-  Better management and enforcement

Reasons for this proposal

Under the current byelaws, a young person (under 16) is allowed to take control or charge of craft with a greater engine power than 5 horse power (3.6 kilowatts) when supervised by an adult present on the vessel. However, there is currently no provision in the byelaws preventing a young person under the age of 16 from being given sole charge of a powered craft.

In order to prevent unnecessary enforcement action being taken against children, the National Park Authority deems it reasonable to transfer liability to the Owner or Registered Owner of the craft if there is no supervising adult.



Proposal 5

Introduce a Loch User Registration Scheme

What is being proposed?

- ▶ Introduce a Loch User Registration Scheme requiring any individual who intends to be in charge (Master) of a vessel to have completed an application with the National Park Authority. This would include providing their details and a photograph which would be stored on a database for reference. They would not be required to carry a registration ID card.
- ▶ This would allow individuals to be more easily identified in the event of a contravention and to progress enforcement action when necessary. The ability to more easily identify individuals responsible for contraventions would also act as a more effective deterrent.
- ▶ An additional benefit of this proposal is that it would also create a dialogue between the National Park Authority and loch users so that general understanding of the byelaws, the reasons behind them and core safety messages are understood at the earliest opportunity.

Outcomes this would help to achieve:



Safer loch



Better management and enforcement

Reasons for this proposal

Currently all motorised vessels and their owners are required to be registered for use on Loch Lomond. However, individuals using motorised vessels, who may not be the owner of the vessel, are not required to register.

Every year false identification is provided to authorised officers by a minority of loch users behaving dangerously and irresponsibly. Unlike on land with the Camping Management Byelaws, it is not practical on the loch to verify a user's identity or to request Police Scotland attendance each time to demand details.

This has led to changes in some loch user behaviours and a reduction in a credible deterrent by not being able to efficiently progress some enforcement cases, due to difficulty identifying the individuals in charge of a vessel at the time of contraventions taking place.

**USER OF VESSEL
NOT REGISTERED OWNER**

in 69%

**OF RECORDED STOPS
FOR CONTRAVENTIONS**

2019 – 2021



Proposal 6

Amend the existing Permission to Trade byelaw to solely deal with business practices causing nuisance on the loch and its surroundings

What is being proposed?

- ▶ Amend the existing Permission to Trade byelaw to solely focus on dealing with business practices causing nuisance on the loch and its surroundings.
- ▶ When replacing this byelaw, the National Park Authority would also seek to agree data sharing agreements with the responsible licensing local authorities.

Outcomes this would help to achieve:



Better management and enforcement

Reasons for this proposal

Under the current byelaws, businesses are required to apply for permission to trade on Loch Lomond from the National Park Authority.

However, there are also several other national and local regulatory frameworks in place to deal with each aspect of business practices on or around the loch.

There are also existing byelaws to cover the behaviors of businesses if they compromise safety and damage the environment.

Amending this byelaw to focus solely on business practice causing nuisance would avoid duplication, simplifying the bureaucratic process for both responsible businesses and the National Park Authority, while at the same time still providing some additional control on businesses causing nuisance on the loch.



Other matters considered

During the Byelaw Review process to date a range of other potential proposals have been explored by the National Park Authority and in discussion with stakeholders.

These included:

- ▶ Requirement for insurance
- ▶ Requirements for minimum levels of training
- ▶ Requirement for landowner permission to launch power-driven vessels
- ▶ A ban on the use of PWCs
- ▶ The introduction of measures to reduce harmful impacts of wake
- ▶ Compulsory swim floats for open water swimmers
- ▶ Introduce 'safe swimming' zones
- ▶ Camping restrictions on the islands
- ▶ Undertaking a staged approach to decarbonising Loch Lomond to net zero which would eventually see the phasing out of fossil fuel power driven vessels
- ▶ Waiving launch fees for electric vessels
- ▶ Installing charging points for electric vessels

These have not been proposed as key changes within this consultation because there was either insufficient evidence, scale of feeling or consensus. Some of these issues are also not specific to Loch Lomond and it would be more appropriate for these to be discussed at national level.

Climate related issues are being considered more widely for the National Park as part of the development of the next National Park Partnership Plan.

However, these issues and proposals can still be considered further during, and after, the public consultation.

Responding to this consultation

This consultation will run from **27th July to 19th October 2022**

You can respond:



Online

Fill in the online survey

www.lochlomond-trossachs.org/byelawreview



On paper

Pick up a hard copy questionnaire from:

National Park HQ, Balloch

Duncan Mills Memorial Slipway

Balmaha Visitor Centre

National Park office, Callander



Consultation questions

1) Do you agree with the six key changes being proposed as part of this review?

- a) Introduce Low Powered Activity Zones
- b) Realignment of the current 11kph boundary to the south of the island of Inchmoan
- c) Compulsory wearing of Personal Flotation Devices (PFDs) for young people on all vessels when on an open deck
- d) Transfer liability for offences committed by young persons in sole charge of powered vessels to the Owner or Registered Owner of the vessel
- e) Introduce a Loch User Registration Scheme
- f) Amend the existing Permission to Trade byelaw to solely deal with business practices causing nuisance on the loch and its surroundings

2) Do you have any alternatives or proposed changes to the byelaws that have not already been captured? Please provide an outline of these and your reason for them.

3) Do you have any other comments on the review of the byelaws?

Also to be supplied for public consultation

- Table of all changes being proposed to the byelaws
- Proposed Loch Lomond Byelaws in full
- Glossary of vessel types

PÀIRC NÀISEANTA
LOCH
LAOMAINN
IS NAN TRÓISICHEAN



If you have any questions about how to
respond to this consultation please contact:
lochlomondbyelaws@lochlomond-trossachs.org

Loch Lomond & The Trossachs National Park Authority
Carrochan, Carrochan Road, Balloch G83 8EG

t: 01389 722600

w: lochlomond-trossachs.org

e: lochlomondbyelaws@lochlomond-trossachs.org



July 2022