



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

FOI Ref: FOI 2022-012
12th July 2022

REQUEST UNDER FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

We refer to your request for information, received by email on 14th June 2022. Your specific requests and the Park Authority's response are provided below.

'Regarding FOI 2022-001 and FOI 2022-007 please advise what merits inclusion as a 'violation' in these figures?

Are these:

- **reports of suspected violations by members of the public?**
- **reports of suspected violations by LLTNPA employees and/or Police Scotland?**
- **Something else? If so, please elaborate?**

Any activity involving power-driven vessels on Loch Lomond, observed by corroborating eyewitnesses, that would be deemed to be non-compliant with the Loch Lomond Byelaws 2013, will be recorded as an alleged contravention / violation of the Loch Lomond Byelaws. Recorded, alleged contraventions have been witnessed by National Park Authority Rangers and/or a Police Officer. Where members of the public, or any other person witnesses a byelaw contravention, the National Park Authority and/or Police Scotland may consider reporting the offender if sufficient evidence exists along with a positive identification of an individual.

If they are different for each violation type, please elaborate. If this has changed over time, please elaborate.

The same criteria for recording all violations of the LL Byelaws is used for any type of violation recorded. This has been the approach taken since the Loch Lomond Byelaws were introduced in 1996.

Specifically, regarding speeding violations, please advise how the speed of the craft is measured and what training/equipment the person alleging/suspecting a violation has to measure speed of craft.

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Most vessels will not plane at a speed of less than 22kph. Planing boats are designed to rise up on top of the water. When a planing vessel achieves enough speed, this lift is the dominant force keeping it up. The effect is that the vessel is riding across the surface of the water or "planing".

The lower speed limit of 11kph which applies under the byelaws across specific areas of Loch Lomond means that, in most cases, any vessel on the plane will have to be travelling at a speed of greater than double the lower speed limit and can be visually identified by patrols as being on the plane. The exact speed of a vessel is rarely measured.

Masters of our patrol vessels are trained to a level of RYA Advanced Powerboat or Yachtmaster Coastal Certificate of Competence; these qualifications are endorsed for commercial use. Some staff are also trained RYA Powerboat instructors.

If these reports are suspected/alleged by LLTNPA employees and/or Police Scotland, please advise how many of each violation by vessel type were recorded by an individual for example:

- Ranger A: 4 PWC speeding violations; 5 other speeding violations; 4 failure to display other
- Ranger B: 6 failure to register
- Officer A 1 reckless navigation

Please provide the same data in FOI 2022-007 but for the previous 10 years and with the breakdown specified above.

The data provided in FOI 2022-007, reproduced below for ease of reference, was for the number of vessels registered with the Park Authority for launching on Loch Lomond for the past ten years.

FOI response 2022-007 - vessels registered with the Park Authority for launching on Loch Lomond for the past ten years

Boat Type	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Fishing Boat	583	604	592	545	584	621	639	581	502	632
PWC	575	590	634	637	685	707	739	707	578	987
Motorboat	197	228	212	185	227	234	226	212	170	235
Motorcruiser	707	744	769	753	741	822	804	774	598	751
Speedboat	1111	1109	1077	992	981	964	987	869	677	928
Tender	384	427	384	357	357	343	320	329	262	359
Trade Plates	20	11	11	24	14	10	7	4	5	2
Yacht	191	205	188	183	205	201	188	189	129	178
Rib					215	255	258	263	234	388
Other	369	419	370	418	214	194	192	158	129	197
Totals	4137	4337	4237	4094	4223	4351	4360	4086	3284	4657

Examples of 'Other' vessels includes RIBs to 2016, canoes, kayaks, inflatables, workboats, electric boats, rowing boats, rafts, safety boats, steam boats, hydrofoils.

We can provide boat registration data for 2002 – 2011 as follows:

Boat Type	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Fishing Boat	738	754	803	776	778	798	718	789	713	630
PWC	669	686	772	780	782	796	715	772	821	681
Motorboat	253	248	241	248	248	219	200	247	224	215
Motorcruiser	856	875	927	911	872	874	784	884	761	809
Speedboat	1744	1806	1866	1900	1908	1907	1579	1693	1,504	1266
Tender	365	391	428	449	489	525	522	560	493	437
Trade Plates	23	20	25	24	21	28	2	0	9	18
Yacht	271	283	279	297	287	276	271	292	243	234
Rib	<i>Recorded as "other" until 2016</i>									
Other	351	340	322	329	306	262	328	442	385	370
Totals	5270	5403	5663	5714	5691	5685	5119	5679	5153	4660

Records of violations are retained for three years, then deleted in accordance with our record retention schedule. We therefore have to advise under section 17(1)(b) of the Act that violation data for the years 2002 -2011 is not held.

Violation data held for the last three years has been withheld from release under S34(1)(b) of the Act as this information has been held for the purposes of an investigation, conducted by the Park Authority, which may lead to the Authority deciding to make a report to the Procurator Fiscal (PF) to decide whether criminal proceedings should be instituted.

This exemption is subject to the public interest test. This means that, even if the exemption applies, the information must be disclosed unless the public interest in withholding the information outweighs the public interest in disclosing it. The public interest test has been considered below.

Application of public interest test

In respect of the withheld information under S34(1)(b) we have considered the public interest test, i.e. the public interest in favour of disclosure balanced against the public interest in maintaining the exemption. In considering the public interest, we have given careful consideration to the content of the information, the current context and the effect of disclosure, on the Park Authority's ability to perform its functions effectively and for the wider general public.

In considering the public interest, we have considered matters that are of serious concern or benefit to the public and not merely someone's individual interest.

Public interest in disclosure

We recognise that there is a public interest in relation to the use of the Loch Lomond Byelaws. This public interest is particularly high at present due to the current review of the Loch Lomond Byelaws, for which a formal public consultation is due to be launched. The Park Authority is mindful of the importance in public contributions to decision-making procedures on matters such as the one to which this information request relates. There is a

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public interest in individuals being able to exercise their rights under FOI legislation in order to enhance their understanding of the work of a public authority and ensure openness and accountability in relation to decisions which have a direct impact on the public.

Public interest against disclosure of withheld information

We consider it to be important, and of considerable public interest, to ensure the effective use of the Loch Lomond Byelaws, which includes the reporting of byelaw offences to the Procurator Fiscal service when necessary. Due to the level of training required for Rangers to be able to undertake boat patrols on Loch Lomond, there are a limited number of Park Authority staff in the position of being able to report boat violations on the Loch. While the names of the relevant staff have not been requested, given the specialist nature of this role, and the public engagement work undertaken during Ranger boat patrols, this increases the likelihood of specific staff being identified by the release of data in relation to specific violations of the Loch Lomond Byelaws. The risk of confrontation would be increased, and the enforcement of the Byelaws would be made more difficult.

There are mechanisms already in place, specifically designed to inform the public about the process of the current review of the Loch Lomond Byelaws, including the imminent publication of papers which will be submitted to the Park Authority Board on the forthcoming public consultation. There is a clear public interest in ensuring that the Loch Lomond Byelaws can be enforced effectively.

The Park Authority has concluded that the public interest in maintaining the exemption in S34(1)(b) in this case outweighs the public interest in disclosure of the withheld information.

Please advise any accident/injury/death figures LLTNPA has for water users by year and by vessel type, whether the casualty was on board, in control of or injured by a passing vessel.'

The table below details the number of distress calls received by Loch Lomond and the Trossachs National Park Authority, mainly through our frontline service at Duncan Mills Memorial Slipway. Distress calls are those which pertain to an incident where a situation is causing or has potential to cause danger to life. Police Scotland is the lead agency having oversight of incidents of this nature on Loch Lomond and included in the table are the instances whereby the Loch Lomond Rescue Boat, Scottish Ambulance Service and Scottish Fire & Rescue were also noted to have been called/attended.

Distress Calls by Vessel/Activity	Calls	Loch Lomond Rescue Boat/ Ambulance/Scottish Fire & Rescue also called/attended
Fishing Boat	9	4
Inflatable	3	1
Kayak/Canoe	9	5
Motorboat	38	7
Motorcruiser	72	16
Not Known	36	15
Other	18	2

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Open Water Swimming	5	1
Paddleboard	1	1
PWC	41	5
RIB	10	1
Speedboat	81	11
SUP	1	0
Tender	2	0
Yacht	6	0
Total	332	69

Yours sincerely

**Information Management
Loch Lomond and the Trossachs National Park Authority**

Review Procedure

If you are dissatisfied with this decision, or the way in which the Authority has dealt with your request, you are entitled to require the Authority to review its decision. Please note that in order for a review to take place you are required to:

- Send your request for review in writing, setting out in full the reasons why you are requesting a review.
- Submit your review request within 40 working days of either the date on which you received a response from the Authority or the date by which you should have received a response under the terms of the Freedom of Information (Scotland) Act 2002, whichever is the later.
- address your review request to:

Information Manager
Loch Lomond & The Trossachs National Park Authority
National Park Headquarters
Carrochan
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E-mail: info@lochlomond-trossachs.org

The review will be handled by staff who were not involved in the original decision. You will receive notice of the result of your review within 20 working days.

If you are not satisfied with the response to your request for review, you can contact the Scottish Information Commissioner, the independent body which oversees the Freedom of Information (Scotland) Act 2002, at:

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Scottish Information Commissioner

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Tel: 01334 464610

Website: www.itspublicknowledge.info

E-mail: enquiries@itspublicknowledge.info

Online appeal portal: www.itspublicknowledge.info/Appeal

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