

Loch Lomond Byelaws Review — Consultation Summary Report

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1. Introduction

1.1 Background to the consultation

Loch Lomond & the Trossachs National Park Authority are obliged to review byelaws relating to the use of Loch Lomond at least once every 10 years, the last having been undertaken in 2012. In the last 10 years usage of the Loch has changed, and this has resulted in some key proposals for change being included in the review. The background as set out by the National Park Authority notes:

Byelaws are in place on Loch Lomond specifically, and not on other lochs in the National Park, because of the levels to which it is used by many different people, to help manage the careful balance between these multiple uses and opportunities. There have been significant changes in the type and volume of recreation activities enjoyed on Loch Lomond, particularly in recent years. While more people enjoying the Loch responsibly is a positive, these changes can increase the potential for conflict between the ways different users want to use the Loch. It is vital that the byelaws are updated to respond to these changes, ensuring they provide clear rules and guidance to support safe and responsible enjoyment of the water and robust deterrents to irresponsible and dangerous behaviours.

The National Park Authority undertook a public consultation on this review for 12 weeks from 27 July to 19 October 2022. A consultation response totalling 383 was received. Views from this consultation will help shape the final proposed byelaws to be presented to the National Park Authority Board and then to Scottish Ministers for approval in 2023.

The volume of response and the desire to provide a fully transparent process led the National Park Authority to seek support to provide independent analysis and reporting of the findings to feed into the byelaws review. In spring 2022, KMA were commissioned by the National Park Authority to provide engagement support during the consultation period and independent analysis of the consultation responses. This report sets out KMA's understanding of the responses, including what parts of this carry material weight in the byelaws review – all with the aim of being inclusive and transparent about the public consultation process.

The consultation asked for comments on six fundamental changes being proposed to the byelaws, as well as comments on any other proposed or suggested revisions. The proposed changes are

- the creation of zones for only low or non-powered activities, such as paddleboarding, swimming, kayaking, and fishing, to improve safety in areas where there is a higher risk of safety issues, conflict and disturbance.
- Amend the boundary of the existing lower speed zone around the southern end of Inchmoan island to be more easily identifiable for loch users.

- the compulsory wearing of personal flotation devices (PFDs) such as lifejackets for everyone under the age of 16 on all vessels when on open decks to improve safety for young people.
- the transfer of liability for offences committed by a young person in sole charge of a powered vessel to the registered owner of the vessel when there is no supervising adult.
- the introduction of a new Loch Lomond User Registration scheme, in addition to the existing requirement for registration of a vessel, meaning any individual using a motorised vessel must be registered with the Park Authority in advance. This is to make the identification of individuals easier in the event of a contravention.
- Simplify processes around businesses operating on the loch by changing the existing Permission to Trade byelaw to focus only on businesses on the loch causing nuisance.

1.2 The purpose of this report – independent analysis

This analysis process has considered each of **the 383 responses**. Many of the individual responses examined parts (and sometimes the whole) of the consultation paper in detail. The purpose of this report is to provide an independent analysis of the responses to the consultation survey and to generate a resource for the National Park Authority of processed evidence for the review.

Our analysis has sought to draw out the key areas of reaction to the six proposed areas of change the consultation document is built around. Whilst all responses have been considered it has not been realistic (or desirable) to set out the qualitative content of every single response in equal detail, because of the volume and length of report that would ensue. We have therefore clustered responses to create summaries of the arguments being made, whether this is on the material matters of the byelaws or the opinions and considered views. The principle of ‘inclusion’, respecting all the submissions equally without bias, has informed our analysis throughout and how we have then reported the analysis. We have also sought to draw distinction between sectoral/organisational responses and individual responses, due to the matter of these responses being representative of larger groups, therefore drawing attention to these views separately.

1.3 How we analysed responses

With any analysis of responses to a survey, there are challenges to how this is undertaken, more so with responses that are part of a public consultation. Our method has sought to address these where we can, and where we are not, to openly acknowledge this. The challenges included:

First, by the very nature of the public call, participation was on a self-selection basis. The sole sampling criterion therefore was interest in the byelaws. This is important and means that no full user population generalisation can be drawn. The response does not represent a referendum on the subject, but as a vehicle for providing views. However, we are aware that

the National Park Authority took steps to ensure that a wide user audience was reached through the consultation process.

Second, the questionnaire follows a format of the proposed areas for change within the byelaws, but many responses do not rigidly stick to a single area per question. This means that there are various views spread throughout responses that need to be carefully identified and allocated properly.

Third, the focused timescale for the work required analysis by multiple team members which, in turn, necessitates clear methodological frames to obtain cross-cutting consistency.

The responses range from a simple completion of the questionnaire with yes/no responses, to questionnaires completed with detailed responses within the questionnaire format.

A 'mixed methods' approach addresses the challenge that the quantitative data cannot stand alone and must be considered alongside the qualitative data, particularly as so many submissions provided qualifications and caveats to the more overtly measurable element, such as a agree/disagree response.

- The data analysis comprises three broad stages:
- Stage 1: Review of material and data processing – organisation and cataloguing of the written evidence.
- Stage 2: Analysis of Evidence – using a researcher-led framework to understand all the qualitative responses.
- Stage 3: Reporting – initial reporting of findings, followed by detailed sections on each theme.

Stage 1 is primarily undertaken through the survey software to provide quantitative outputs, although direct analysis is needed to identify the 'types' of response discussed previously. We catalogued the anonymised responses and constructed an Excel database for each survey question.

In stage 2, we established a coding framework for sorting through the responses based on the proposed areas of change within the byelaw's consultation document. A team member engaged in coding each question database using this framework. The framework allowed the team to codify a large volume of data and identify patterns and emerging themes. It should be noted that the framework is a tool and that the overall research is still dependent on the judgement and analysis of the researchers. The team also held regular updates to talk through emerging findings.

In the third stage of the analysis, we (re)-coded the textual data in a second cycle to identify and distinguish sectoral/organisational from individual response and highlight sets of responses. This was an iterative process informed by the production of an interim report and review with the National Park Authority Byelaws Review team. It is therefore this third stage material that has formed the basis for this report, with additional supporting material in the Appendices.

2. Response number and types

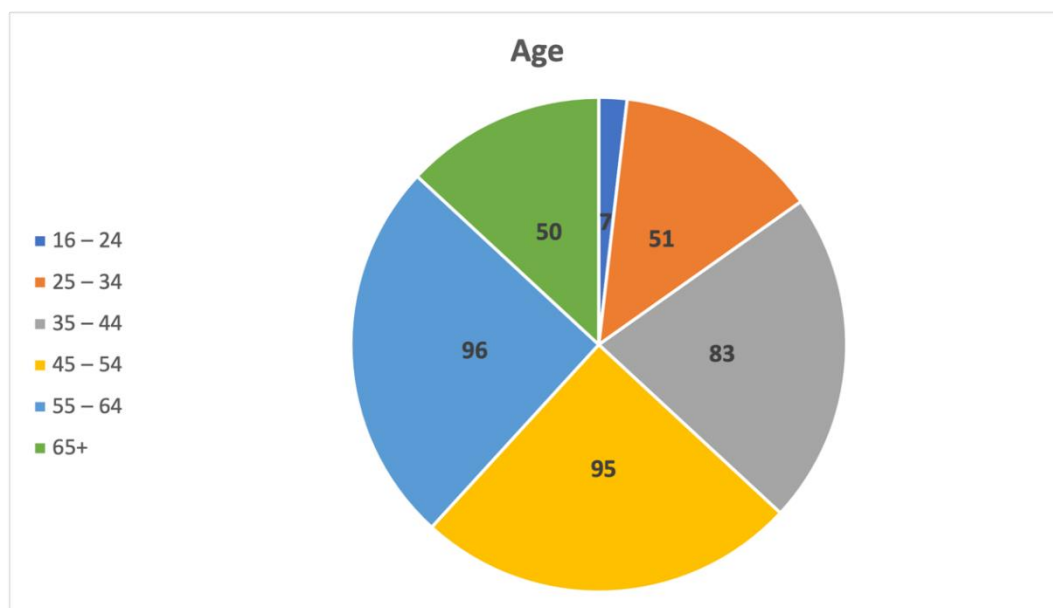
2.1 How many responses have been received?

We received 383 responses to the survey. This was made up of 382 responses collected through the online consultation survey and one written response.

Within this response, some responses provided only quantitative responses while others provided the commentary on which much of this analysis is focussed. Not all questions were mandatory, so while there was a total of 383 response, not all of these were a response to each question. Accompanying each question and proposal, we note how many responses were received to that question, those who responded only yes or no, and the breakdown of the responses between organisations and individual.

2.2 Age

The consultation asked respondents for their age group. From 382 responses, age groups were distributed as shown:



The age groups for respondents are ordered as follows:

- 55-64 (96 respondents)
- 45-54 (95 respondents)
- 35-44 (83 respondents)
- 25-34 (51 respondents)
- above 65 (51 respondents)
- 16-24 (7 respondents).

There were no respondents from under 16. One organisational response did not complete the profile questions.

2.3 Capacity

The consultation survey asked the respondents in what capacity they were responding. They were asked to tick the “use” most appropriate for themselves. Some respondents chose more than one option.

Respondent group	No. of responses
As an individual loch user	279
On behalf of a local recreation group or loch user group	5
On behalf of a national recreation group or loch user group	1
As a National Park resident	50
On behalf of a community organisation in the National Park	2
As a business owner who operates on the loch/shore	8
As a business owner who operates elsewhere in the National Park	0
As an owner of land on or around the Loch	15
On behalf of a partner organisation or public body	7
As a visitor to the National Park	13

Some respondents selected more than one category:

- 8 respondents selected 2 categories and
- 2 respondents selected 4 categories. The categories were an individual loch user, as a National Park resident, as a business owner who operates on the loch/shore, and as an owner of land on or around the loch.

Individual responses:

Some respondents provided additional information about themselves:

As an individual loch user:

- *“A very experienced Loch user of 25 years plus of Motor Cruising and a holder of Royal Yachting Association (RYA) certificate and who always had Insurance.”*
- *“As a person with multiple water activity qualifications, e.g., Royal Yachting Association (RYA), British Canoe Union (BCU).”*

As a National Park resident:

- A resident of the National Park and user of other lochs
- As a resident within the National Park and regular loch user of another loch near to Loch Lomond.

As a business owner who operates on the loch/shore:

- *“Teacher at a lochside school”*

As a visitor to the National Park

- *“As a visitor and open water swimmer of 20 years’ experience”*

Responses selecting “other” described themselves as:

- *“An individual employed by a charity on east Loch Lomond”*
- *“As a local councillor”*
- *“Community Councillor”*
- User of other National Park lochs
- Holiday home and boat owner
- *“Lodge owner at Inverbeg using the water with all my family”*

Organisations responses:

As with individual responses, organisations self-selected their categories, and some provided additional information. In the category of business owners who operates on the loch:

- Lodge on Loch Lomond
- Sweeney Cruise Co
- Sandy Johnston Coaching
- Central Scotland Adventures Ltd
- Montrose Estates

On behalf of a local recreation group or loch user group:

- Aspire swims - Glasgow western masters
- Loch Lomond Angling Improvement Association
- Loch Lomond Rowing Club

Other (please specify):

- The Royal Society for the Prevention of Accidents (ROSPA)

National Organisation:

- Water Safety Scotland

On behalf of a partner organisation or public body:

- Scottish Fire & Rescue Service
- VisitScotland
- Waterski & Wakeboard Scotland
- Kilmaronock Community Council
- Scottish Land & Estates
- RSPB Scotland
- Police Service of Scotland

As an owner of land on or around the Loch:

- Luss Estates Company
- Glenfalloch Estate
- Loch Lomond Sailing Club
- National Trust Scotland (NTS)

On behalf of a community organisation in the National Park

- Loch Lomond Association
- Luss and Arden Community Council

On behalf of a national recreation group or loch user group

- Scottish Canoe Association
- Royal Yachting Association Scotland
- Independent conservation charity covering the National Park area
- Friends of Loch Lomond and The Trossachs

2.4 Activity on the Loch

The consultation survey asked the respondents what activities they take part in at Loch Lomond. They were asked to tick the use most appropriate for themselves. The table below show the breakdown of these activities from the most popular to the least.

Activity	Yes
Motor boat cruising	170
Stand up paddleboarding	153
Open water swimming	139
Canoeing and Kayaking	127
Water skiing	62
Jet skiing	60
Wake boarding	56
Fishing	49
Sailing	38
Windsurfing	5
None of the above	26

Some respondents selected more than one activity, below is the breakout in terms of numbers of activities selected:

- 14 respondents did not any selected any activities
- 137 respondents selected 1 activity
- 97 respondents selected 2 activities
- 57 respondents selected 3 activities
- 30 respondents selected 4 activities
- 24 respondents selected 5 activities
- 14 respondents selected 6 activities
- 5 respondents selected 7 activities
- 3 respondents selected 8 activities

For those who responded other, activities/uses noted were:

- *“Camping”*
- *“Wakesurfing”*
- *“Cold water therapy”*
- *“Informal recreational swimming close to shore, paddling / water play with children”*

- *“Shoreline recreation”*
- *“PTSD Therapy”*
- *“Tubing”*
- *“Power boating outside the speed restricted zones”*
- *“Walking, wildlife, flora, fauna, Bird watching and spending time outdoors and relaxing”*
- *“Emergency response and promotion of water safety and safe use of the loch”*
- *“General boating”*
- *“Bailiffing”*
- *“Rowing”*
- *“Transport to islands for business and pleasure. Mooring provider.”*
- *“Access to east shore across the north end of the Loch”*
- *“As a formally constituted association, with a voluntary membership not-for-profit organisation whose principal aims are that of preserving and protecting the nature and cultural heritage of Loch Lomond, its islands and shoreline, while promoting a balanced and sympathetic public right of access.”*
- *“User of other lochs”*
- *“Hiking in the surrounding area”*
- *“Metal detecting”*
- *“Steamship cruising operation on the loch”*
- *“Walking and Wildlife watching”*
- *“Friends of Loch Lomond and The Trossachs – membership organisation take part in a range of activities and in promoting responsible public enjoyment of the loch.”*

3. Overview of Proposal Responses

Question 1 asked respondents:

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

Proposal 1: Introduce Low-Powered Activity Zones

From 379 responses to Proposal 1 – Introduce Low Powered Activity Zones, 65% (248 responses) agreed with the proposal while 35% (131 responses) were not. 34% (129 responses) respondents did not provide additional comment on the proposal.

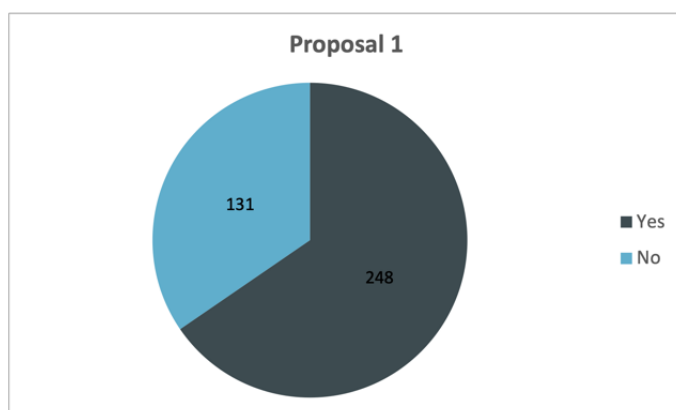


Figure 1 (a) and 1(b) below shows the responses given to Proposal 1 broken down into the Organisations and Individuals. The support for Proposal 1 from the organisations is at 71% (27 respondents) compared to 65% from individuals (221 respondents).

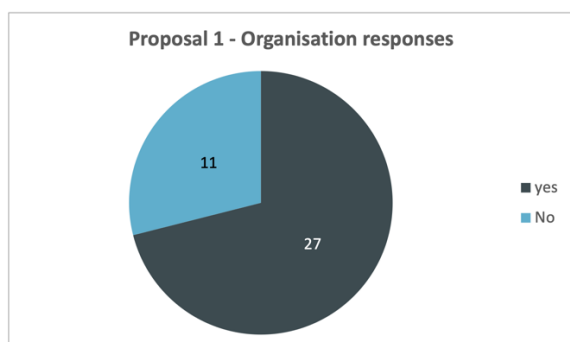


Fig 1 (a) Responses from organisation

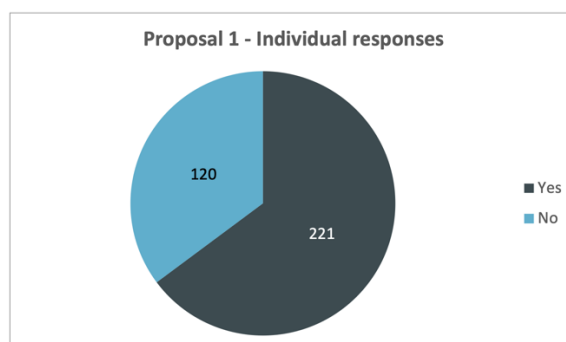


Fig 1 (b) Responses from individual

Organisations

Responses from organisations in general were in favour. The comments and suggestions they made provided additional information and sometimes caveats to that support. Responses have been summarised, with direct quotes used where appropriate which are *italicised*.

For those organisations who responded yes, the following arguments and suggestions were provided as additional information:

In terms of **safety**:

- One organisation thought that the suggested limitation of 15 horsepower (11.2kw) for vessels is too high and is potentially contrary to the aims of the proposition. As an example, *“new electric jet-skis of up to this power threshold are already capable of speeds more than 30mph. As this technology evolves, the ratio of achievable speed per unit of power will increase, and thereby similarly render such a proposed limit increasingly disproportionate to that which will be possible.”* In response to the specific and increasing problems of PWC, and the consequential risk to other users of the Loch, they strongly advocated large total exclusion areas for all powered craft, regardless of their power output.
- One organisation was keen to see safe water areas expanded to reflect the diversity of water use and to create safe zones around those uses.

In terms of **location**:

- One organisation suggested that there should be relaxation of the area covered by the exclusion zone to enable commercial passenger boats sufficient space to access and egress the piers. Based on the advice received by commercial passenger operators, it would be difficult for them to get in and out of the piers safely if the exclusion zone for them is so tightly drawn.
- One organisation noted that they are highly conscious of very significant levels of irresponsible behaviour by operators of PWC at Luss, a location which accounts for 64% of all such complaints. They considered the current proposals for a low powered activity zone at Luss to be inadequate to counter the extent and severity of irresponsible behaviour that continues to exist at the location in their view. They argued that the proposed boundary of the low power zone remains too close to shore, perhaps only 120m, and will continue to place open water swimmers and non-powered watercraft users in direct conflict with PWC. They advocated for a clear, significantly spaced, and absolute separation of differing water users in such a popular and high user location. They suggested that the boundary of this zone should extend to at least 250m from the shoreline.
- One organisation recommended that provision should be made to allow a powered boat with an engine above 15HP acting as a coaching and rescue boat to enter the

zones at Duck Bay and Balloch Park for the purposes of supervision and rescue if necessary as that is where rowers traditionally train.

- One emergency service organisation advocated for an exemption to be made for vessels entering the zones in emergency or in case of gear failure or adverse weather conditions (force majeure).

One organisation strongly supports the introduction of low powered activity zones in the areas identified but would suggest that consideration is also given to exclusion zones in other busy areas such as Aldochlay and Bandry where there are potential conflicts with other water users.

Enforcement

Three organisations argued that enforcement of these proposed zones will require significant budget and may make communicating safety critical messages harder.

One organisation suggested the following:

- *“Staff and volunteer requirements for enforcement should be strongly considered as part of this Byelaws review. Current levels of jet ski usage require a permanent presence of two patrol boats on Loch Lomond from dawn to dusk between April to October. An additional boat should be available to cover the other lochs in the National Park on a random rotational basis*
- *“National Park Rangers should wear bodycams, and permanent webcams should be positioned in key problem areas to aid safety and ensure adherence to national regulations and local Byelaws*
- *“Launching a motorised craft from private land without the landowner’s permission becomes an offence and therefore legally enforceable.”*

One organisation thought that effective enforcement is a key issue, and they consider there is no point in introducing exclusion zones unless they are patrolled more frequently, and the rangers and police have more powers to act in appropriate circumstances when there are breaches of the byelaws and irresponsible behaviour.

Displacement of activity to other bodies of water

Concerns were raised about the impact of the proposal regarding the displacement of activities to other bodies of water nearby in other areas of the National Park were raised by 3 organisations.

For those organisations who responded no, the following arguments and suggestions were provided as additional information:

In terms of **location**:

- Two organisations argued that the proposed zone at Luss is restrictive for power craft many of whom moor to go ashore to purchase fuel and provisions or go ashore for a

coffee or a sandwich/snack. It is their opinion that such a byelaw would be in breach of the public right of navigation throughout the Loch. It is their belief that the single most dangerous factor on the Loch is speed, with powered craft travelling at a speed far too fast close to shore and in the more densely used areas of the Loch, therefore, they suggest a speed limit of 4 mph for all powered craft in those areas. While this would respect the right of navigation it would still meet the National Park's desired outcome of making the areas safer for all users.

- One organisation thought that the proposal at Luss would be complicated with many boats manoeuvring into the pier. They noted that it appears to require an additional 8 buoys which will require to be illuminated. They also flagged up that Loch Lomond Leisure operate safety boats from the Luss shore
- One organisation noted exemption should be made on several basis: search and rescue craft including those supporting events; the rescue services; operated passenger vessels; Water Bailiffs in their patrol vessel performing their statutory powers should also be exempt in those areas; and finally, those powered craft in an emergency or breakdown situation in line with previous applied exemptions if zones created.

Two organisations thought that the proposal to restrict access to all powered craft under 15 horsepower (11.2 kilowatts), is unnecessary and unacceptable and in their view will not deal with those who carry out irresponsible actions on power or sailing vessels, nor those members of the public that fail to consider their own safety and enter the Loch ill prepared. They also raise concerns that some members of the public will not want to use these proposed areas, given they feel controlled and directed to these areas, rather than enjoy their legal right to roam and for those in vessels to exercise their legal right of navigation.

In **direct disagreement** with the proposal, one organisation noted that they have been in discussion with other water user groups and have suggested that they could ultimately seek to pursue through the court system their own legal right to fish on all areas of the Loch if these proposed byelaws were to be implemented as proposed. They would also seek a joint groups/ public funded Judicial Review being raised on the rights of access/navigation as things currently stand with the National Park's proposed byelaw amendments.

One organisation viewed that the proposal comes into conflict with fishing on the Loch. They argued that any Byelaw that restricts or prevents their members from exercising their rights to fish could be challenged. Some of their members have vessels where the engine size is greater than 15HP, but their fishing activities result in the vessel being static or not likely to be travelling at more than 5MPH. The introduction of these zones would undoubtedly impact on the rights to fish in those areas. They also noted that the location of the buoys that will be used to mark the zones should not impact on their fishing activities, particularly when trolling lures, which can be anything up to 40M at the stern of the fishing boat.

Enforcement

According to one organisation, the main issue on the Loch is a lack of enforcement by Rangers in these areas already, without adequate enforcement from dawn to dusk throughout the whole year, *“any change or new byelaws are worthless.”*

Another organisation believed that there is a lack of resources to adequately enforce the existing speed limit areas and expansion in their view further impacts the ability to enforce. In addition, they express concern that it may also have the unintended consequence of creating a false sense of security in the new zones among swimmers and other non-powered water users.

According to another organisation, the issue is speed and irresponsible behaviour. They thought that the creation of a further 7 zones will present an additional burden on the National Park Authority to enforce the byelaws which is counterproductive when the National Park is, in their view, struggling to enforce the current byelaws. Their suggestion is to have more flashing buoys on the Loch to delineate the zones and to have flags on shore. They also noted that if the status quo remains the existing byelaws, if enforced, are sufficient.

Displacement of activity to other areas of the loch

One organisation flagged concern that introduction of low powered activity zones would result in displacement of the current powered vessel users to areas where there are no zones and create new areas for potential conflict. Another view was that the low powered activity zones are not sufficiently extensive, and they are concerned that the creation of small zones will (as noted above) first, lead to displacement to other areas with an increase in high-speed activity there. Secondly, users of high-speed craft will get the impression that if they are not in a specific low speed zone, they are entitled to high-speed activity regardless of the actual conditions in that area.

One organisation recommended the Rowardennan area to be included in zoning that restricts inshore speed, in common with many other parts of the loch, and that byelaw conditions relevant to that zoning should be always applied.

One organisation's comment was that this as an incremental improvement, but in their view the byelaw proposals do not go far enough and are not fit-for-purpose to control the number of jet-ski users frequently exhibiting disruptive and dangerous behaviour on Loch Lomond. These byelaw amendments proposed would not effectively address this issue as there are currently around 1,000 registered jet skis on Loch Lomond and noise pollution is also a significant issue for rural communities. Additional comments from them include:

- *“Unless jet ski use is seriously addressed, the National Park Authority are not conserving or enhancing the natural heritage of the area.*
- *“Unless jet ski use is more strictly regulated this is not promoting sustainable use of the natural resource of Loch Lomond.*

- *“Without more stringent regulation people, in general, are not able to enjoy the special qualities of Loch Lomond.*
- *“Sustainable social and economic development in loch-side communities is not possible where communities and locations are blighted by dangerous and anti-social behaviour by unregulated jet ski users.*
- *“The proposed low power zone at Luss would not prohibit jet skis buzzing Luss Pier.”*

Individuals

This section will look at the responses from individuals. Although these were majority in favour of the proposal, comments and suggestions provided additional information and sometimes caveats to that support. Responses have been summarised, with direct quotes used where appropriate which are *italicised*.

For those individuals who responded yes, the following arguments and suggestions were provided as additional information:

They welcomed the proposal as it will enhance safety for all loch users. Problems with the anti-social and dangerous behaviour of Jet ski users is widely raised. However, some thought the proposal does not go far enough and wanted to have a complete ban of jet skis (23 individual responses and 4 organisations responses, 7% from the total number of responses) from using the Loch on these grounds and of safety.

Additional comments relating specifically to safety are summarised as follows:

- It would provide separation for both types of users and provide for a higher level of assured safety
- It will allow all loch users to feel safe and enjoy their time without feeling intimidated by other loch users
- It will allow swimmers to swim in cleaner water without having to breath / swallow contaminated water from passing boats
- Suggestion to introduce a compulsory drag buoys for all wild swimmers for safety.
- An issue that this proposal might create is that most of the areas highlighted do not have parking which makes transport of kayaks/paddle boards and canoes to these areas quite difficult. Therefore, it will either result in cars stopping at roadside to unload or having to launch at a less safe spot and paddle to it.

For those individuals who responded no, the following arguments and suggestions were provided as additional information:

The comments were primarily regarding the fairness of the proposal, some argued that there is not really a need for these areas as the loch is spacious and there is more than enough room for everyone to enjoy it. Finally, some respondents argued that the existing byelaws and speed from shore rules are sufficient. Additional comments can be summarised as follows:

- the proposed restrictions are unclear as the proposal did not provide any comments if it will be extended in the future.

- The problem is not the size or location of zones but the behaviours of those breaking the current restrictions.
- It was deemed unfair to restrict certain areas of the Loch depending on activity as in their views it will exclude people from certain locations.
- Have fairer distribution of access to water by allowing registered vessel to be able to launch from south (Balmaha), east Balloch, west, either Duck Bay/Luss and north, Tarbet etc.
- The Loch should be used by everyone equally and not just by a specific number of users.

Location specific comments and ideas

For those in agreement with the proposal, their comments around location include:

- Clarification on how will boaters and "low power" users identify these limits?
- Suggestion to have noisy activities to the south end of the Loch and keep the north end low impact only.
- Suggestion to increase or create larger (e.g., Loch Lomond Shores Lagoon) low-powered activity zones around the Loch to maximise its use. It will also ensure more space for low-powered users given how much space there is for powered vehicles in the much deeper water.
- Luss issues and suggestions:
 - To expand the zone, as the areas around Luss are often very busy and other than accessing the jetty, there should not be any vessels within the beach areas.
 - To create a channel into the Hotel and back out for powered vessels.
 - An amendment should be included, to allow Luss Bay Mooring Owners, both private (residents of Luss) and business (Loch Lomond Leisure) for the purposes of solely berthing and retrieving their boats, to operate their craft at a dead slow speed within the proposed low power activity zone.
- Milarrochy issues and suggestion:
 - Disagreement with part of the Proposal regarding transforming Milarrochy bay into a low-powered activity zone, noting that *"due to increased demand of power boat users requiring launch facilities, Milarrochy bay should be opened up again as a launching facility to relieve demand/congestion in summer months on Duncan Mills slipway."*

- A suggestion that during mid-week, an access code to a padlock on the bollards on the slipway at Milarrochy Bay should be provided to allow users to launch from there. The access code could be changed regularly.
- Information requested on if there is a consideration to leave an access corridor for the slipway at Milarrochy bay, as has been done at Luss pier. A point was raised regarding the terms of the lease between the National Park Authority and Montrose Estates for managing the foreshore at Milarrochy Bay, requiring boat launching to be allowed from the slipway, while aware that this is currently suspended.
- A suggestion to have a full segregation scheme near popular beaches and pontoons to ensure the safety of all users. The zone highlighted in the map should be made into an exclusion zone for all powered crafts to provide a safe swimming area and swimmers should be prohibited from using the pontoons for sunbathing, fishing, and diving. Pontoons should remain clear to allow safe docking activities. On the other hand, popular beaches should be reserved to the enjoyment of swimmers; those with boats have access to many quiet beaches where the concentration of swimmers is very low even on busy summer days.
- The proposal should not conflict with areas that boaters can dock. I.e., Lodge on the Loch, Luss pier, Inchmurrin jetty, Ardlui jetty etc.
- Introduce these restrictions for the other lochs within the National Park jurisdiction given that the use of jet skis is unlikely to stop growing.

For those in disagreement with the proposal, their comments around location include:

- Luss suggestions and issues:
 - The Luss proposal should be amended as the proposed area seems to encompass access to Lodge on Loch pier and eliminates the possibility of anchoring a vessel in the bay. When the pier and pontoons are full, anchoring is the only way to get into Luss for re-provision.
 - Disagreement about the location and size of the area.
 - A view that proposals conflict with the Right of Navigation for boats on the loch which entitles boaters to anchor and take a dinghy ashore. The proposal was understood to be preventing access to Luss, with its inclusion in the zones, by boaters for multiple activities. The jetty area proposed for boats was described as “*wholly unacceptable*” as it is too small for the demand.
- The introduction of the zones will affect the businesses in these locations as some people have to go through the zone to access their boat for example at Milarrochy bay.
- The proposals for Luss, Sallochy and Milarrochy are “*unreasonable and prevent any form of access*” to the shore by powered craft more than 15hp. The view was that

“This means responsible jet ski and boat owners would be unable to pick up or drop off passengers at these locations and exclude such users from being able to stop responsibly and safely.”

- A view that proposals could have an environmental & cost impact restricting access to places such as Luss and losing the potential spend in that local economy. The environmental impact was described as: *“if banned from Luss, they would now need to sail back to Balloch. A return journey from the Island group to Balloch & back typically would use anything between 10-50 Litres depending on speed & size of boats.”*

Activities

For those in agreement with the proposal, comments around activities include:

- To consider all the activities when creating low-powered zone so they do not clash between each other to assure the safety of all users.
- To extend the low-powered activity zone to the whole Loch.
- A question on whether low or non-powered activities would then be limited to these low-powered activity zones?
- The proposal needs to include small boats with outboard motors which can initially be rowed out before starting the engine.
- Consideration also must be given for the limitation of low powered activity outside these areas.
- Make the zones bigger so that serious open water swimmers can enjoy a safe swim of at least 2 km. *“One of the attractions of Loch Lomond to swimmers is to swim around the islands or cross between islands, so a recommendation would be to have all shorelines as low powered activity zones up to at least 100m from the shore.”*
- Create a zone for jet ski and power boats only, marked by buoys well away from the shores.
- One respondent’s view was that PWC are high-risk use and this risk to other users of the Loch leads to advocating for large total exclusion areas for all powered craft, regardless of their power output.
- Include zones for long distance swimming.
- More information on why an engine size restriction is proposed instead of a further reduction in the speed limit in these zones.

For those in disagreement with the proposal, comments around activities include:

- Anglers should not be restricted, it was seen as an “*unjust*” proposal as “*anglers by their very nature occupy and use only a very small percentage of the water, usually away from everyone else around the shoreline as it is.*”
- It can limit where open water swimmers can swim.
- Introduction of zones might cause conflict amongst user groups.
- Creation of powered craft only areas.

On signage and marking, respondents advocated clear concise signage and marking of the area for all users, including at Duncan Mills Slipway, Balloch Park, Luss Pier, etc. The signage should explain the various byelaw areas.

Enforcement

For those in agreement with the proposal, their comments around enforcement include:

- The success of the proposal will depend on its enforcement. There should be a clear statement of the penalties that will be applied to offenders and to repeat offenders.
- Enforcement at Balloch Park will need to be rigorous due to a concentration of jet ski use and the occasional small craft use in that area.
- Questions regarding how the proposal will be enforced? How will claimed ignorance of a low-powered activity zone be dealt with?
- Enforcement of these changes may require investment for the required resources and may impact on the public’s reception of safety messaging.
- Enforcement and policing are important as there are already speed limits in place with anecdotal evidence suggesting these are regularly broken by personal users and businesses alike.

For those in disagreement with the proposal, their comments around enforcement include:

- Will the park enforce a maximum stay time for vessels using the Luss pier if these changes go ahead?
- How will vessels with auxiliary small engines using these zones be considered in the byelaw?
- People questioning the legality of the proposal and arguing that the byelaws are not enforceable.
- The view that creating additional zones when the behaviour in the existing areas cannot be adequately controlled further stretches potential enforcement resources.

- The view that regulating based on the power of a vessel's engine is not likely to be effective and produce little in increased safety.
- Suggesting that Luss and Milarrochy Bay should have rangers stationed there to help with the enforcement, especially during busy periods (bank holidays and weekends).
- Education is the best approach to make sure all loch users use the area appropriately.
- A CCTV system would be a better option near slow zones for enforcement.
- The view that changes proposed are not severe enough. A form of tiered penalty process was suggested: *“A letter should be sent to registered owners of all power assisted vessels on Loch Lomond setting out three chances only on non-compliance of the rules. Should this fail, a complete and immediate 'Ban' should be implemented with no chance of redemption, with the registered vessel placed on a blacklist. It should count as a non-compliance, the failure to produce valid registration and insurance details when asked - when stopped, whether speeding or not.”*

Displacement

In terms of displacement of activity, the comments were:

- The proposal's inclusion of Manse Bay together with Milarrochy Bay is viewed as a sensible mitigation to the displacement of activity from Balmaha and Milarrochy Bay.
- The proposal may discourage people from using the Loch and could result in dangerous practices being displaced to other bodies of water nearby in other areas of the National Park.
- Concern that this proposal covers Loch Lomond and not the rest of the National Park and if applied to only Loch Lomond then there will be a spill over to Loch Ard which is classified as a "Quiet Loch" and to other parts of the National Park.
- Concerns raised that complete prohibition of craft access with greater horsepower than 15hp, has the potential to create risk and hazard at other locations on the Loch through displacement.

Respondents advocated for a programme of awareness raising with stakeholders and Loch users would be useful to make sure everyone is aware of the changes.

Some respondents gave **examples from elsewhere**

- Lake Annecy in eastern France. Low-powered activity zones are extensively used on Lake Annecy. In some zones and in parts of others, all powered craft are completely excluded. Overall, this was seen as an important health and safety measure, but also as a way of reducing noise pollution and shoreline damage from the wash created by speedboats, water skiing, jet skis, etc.

- The National Park Authority currently can further enhance the safety of water users and the success of such similar boundaries already enforced by the Lake District National Park Authority represent an example worth considering.

Proposal 2: Realignment of the current 11kph boundary to the south of the island of Inchmoan

From 363 responses to Proposal 2 – Realignment of the current 11kph boundary to the south of the island of Inchmoan, 75% (271 responses) in favour of the proposal while 25% (92 responses) were not. 60% (216 responses) respondents did not provide additional comment on the proposal.

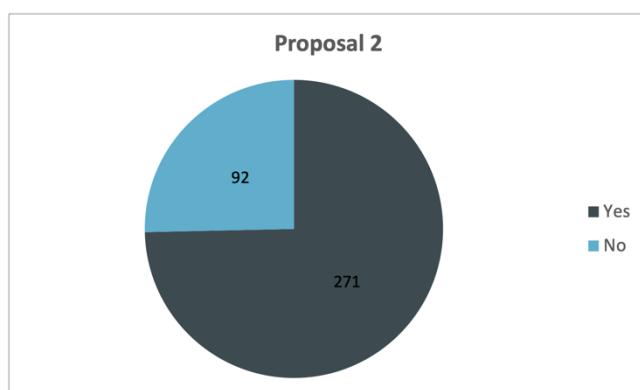


Figure 2 below shows the responses given to Proposal 2 broken down into the Organisations and Individuals. The support for Proposal 2 from the organisations is at 79% (31 respondents) compared to 74% from individuals (240 respondents).

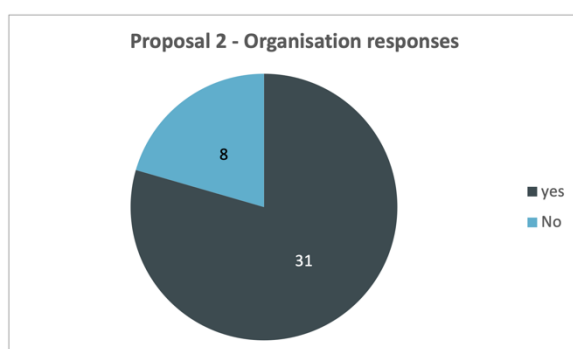


Fig 2 (a) Responses from organisation

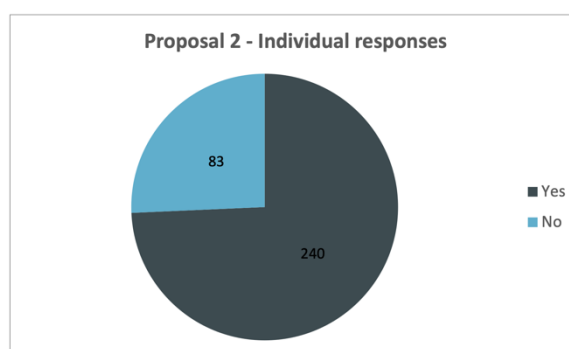


Fig 2 (b) Responses from individual

From our reading of responses, we believe there was a misunderstanding of the proposal by at least one organisation and 11 individuals. Comments provided suggest their understanding was a proposal to expand the 11kph zones rather than the new boundary for this, which reduces the overall coverage of the zone, but with the intention of creating an easier to navigate zone. For example: *“More and larger 11kph zones would be preferable”* and *“The islands are a popular venue for our members so like above we would be very pleased to see the boundary increase.”*

The number relates only to those who provided additional commentary, not including those who perhaps had a similar understanding, but only provided a yes/no response.

Organisations

For those organisations who responded yes, the following arguments and suggestions were provided as additional information:

One organisation believed that the proposal would enhance the safety of other water uses and wildlife around the island. Another organisation thought that whilst the amendment of the speed restriction zone may bring users closer to some of the Loch Lomond islands, and therefore could have the potential to cause disturbance to wildlife, any protected species will continue to be covered by laws in the Wildlife and Countryside Act and measures to protect them can and will still be implemented.

Responses have been summarised, with direct quotes used where appropriate which are *italicised*. The following additional comments and suggestions were made:

Comments regarding **the use of MPH and Knots as speed measurement** instead of KPH

- One organisation advocated all the speed notification buoys on the Loch to be marked in MPH or Knots. According to them, there are extremely few powered craft that have calibrated speed indicators marked in KPH and no other body of freshwater in the UK uses KPH as the speed units.

Comments regarding the **need for additional buoys** on the Loch instead of changing the existing boundary from a straight line to a distance from the shore.

- One organisation's comment was that rather than change the existing boundary and markers, additional marker buoys should be placed on location, so it is easier for those in charge of vessels to see a more visual "straight line" of marker buoys. Currently buoys are insufficient in number and so far apart that people do not recognise what the buoys indicate and the area of Loch where speed restrictions are in place.
- For another organisation, their comment was regarding the lack of clarity to whether the marker points referred to on the map are to be flashing lights. For them, the described lack of knowledge of the current straight-line boundary was not adequately explained. They questioned how a more complicated shaped boundary that relies on real time distance measurement will be easier to see is not explained either. They suggest clearer marking buoys and all craft to have a 'chart/schematic' onboard with the main hazards and zones marked. The National Park Authority could supply these free with registration. Their reason is now the marker buoys are small and often too far away to identify for irregular loch users. Visitors in particular ought to have a chart the main navigation buoy described. Schematic stickers could be used if paper charts are impractical.

On **enforcement**, one organisation suggested that the proposal will require investment for the resources and may impact on the public's reception of safety messaging. Another organisation pointed out that the current boundary was being ignored daily and asked how the new boundary would be policed.

Concern from one organisation regarding the possibility of the proposal to discourage people to use the Loch and could result in dangerous practices being displaced to other bodies of water nearby in other areas of the National Park.

For those organisations who responded no, the following arguments and suggestions were provided as additional information:

Comments regarding the **need for additional buoys** on the Loch:

- One organisation's view was that this issue would be best resolved by keeping the existing boundary markers while adding additional buoys to make it more visible in one continuous straight line.
- One organisation thought that the proposed change would be difficult to identify by the skipper of a vessel under way on the water and difficult to enforce. They prefer the existing line but with larger marker buoys and clear marks on the point north of Rosdhu House and on Ellenderoch. That way a boater can identify the line as a transit on two or more of the marks. They noted that in low water conditions, there is a risk of a dinghy grounding in the passage between Inchgalbraith and Inchmoan. Finally, they would welcome an increase in the number of marker buoys at the north end of Milarrochy Bay where they are presently widely spaced and easily missed.
- One organisation was not convinced that the boundary should be realigned as this allows powered craft to come nearer the islands and shoreline at high speeds with noise related issues. Their preferred solution would be to mark the existing boundary more effectively with coloured buoys. Their aim was to ensure the peace and tranquillity of the islands as a priority and the contraction of the lower speed zone in this area will be contrary to this.
- One organisation thought the existing line seems perfectly clear as a straight line between Ross Dhu and Ellenderoch and that the new proposal would lead to more confusion as it is difficult to be precise on positioning relative to the shore.

Individuals

The next section will look at the **responses from Individuals**. Responses have been summarised, with direct quotes used where appropriate which are *italicised*.

For those individuals who responded yes, the following arguments and suggestions were provided as additional information:

In general, these were in favour of the proposal as on the basis that a clearer boundary would be safer for everyone. The Proposal would protect wildlife and would also give protection to the boats that get damaged against pontoons. As well, for this proposal, there was a general complaint about the anti-social behaviour and speeding of Jet skis. The suggestions made were around better marking of the zones with additional buoys as they are not very visible now, especially for the area at Inchmoan bay. The buoys need to have lights to make them visible at night. In terms of policing and enforcement, respondents thought that these are important for the success of this proposal. One suggestion would be to have a shore-based ranger working between north / south beach

For those individuals who responded no, the following arguments and suggestions were provided as additional information:

These respondents thought that the current boundaries are easier to identify as a straight line, and the proposed ones would further confuse loch users and would be open for interpretation.

In terms of **safety**, they felt the proposal does not resolve the problem and therefore, has no safety benefit.

On the **boundary**, some commented that the current boundaries are appropriate and sufficient to meet the requirements. Another comment noted that the proposed? boundaries would be difficult to determine without a GPS. The proposed boundary alignment was deemed far more confusing than the existing alignment of a straight line. Others felt that water users may struggle to identify speed zones due to the lack of buoys/markers, so it is open to interpretation.

On **speed**, some advocated for the whole Loch to be restricted to this speed. While others thought that the current speed zone in this area was deemed too large and should be reduced including a speed passage between Inchcruin and Inchfad. Some suggested to have the areas south of Inchmurrin and near Luss that users can go faster than the Loch limit.

Concerns were raised regarding **enforcement** of the Proposal; it was noted that some jet skis and motorboats already ignore the current byelaws and that this would not change with the new byelaws. The boundary around Inchmoan is quite evident however it is far from the shore which could create problems with enforcement and potentially increase contraventions.

Proposal 3: Compulsory wearing of Personal Flotation Devices for young people (under 16) on all vessels when on an open deck

From 377 responses to Proposal 3 – Compulsory wearing of Personal Flotation Devices for young people (under 16) on all vessels when on an open deck, 88% (330 responses) were in favour of the proposal while 12% (47 responses) were not. 46% (175 responses) respondents did not provide additional comment on the proposal.

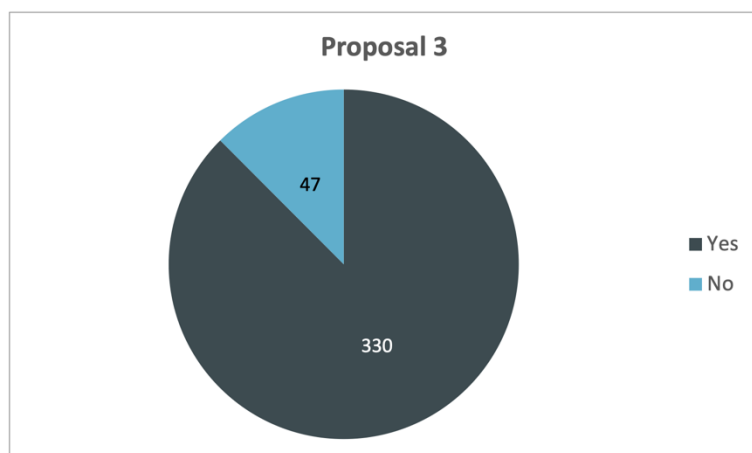


Figure 3 (a) and (b) below shows the responses given to Proposal 3 broken down into the Organisations and Individuals. The support for Proposal 3 from the organisations is at 74% (29 responses) compared to 89% from individuals (301 responses).

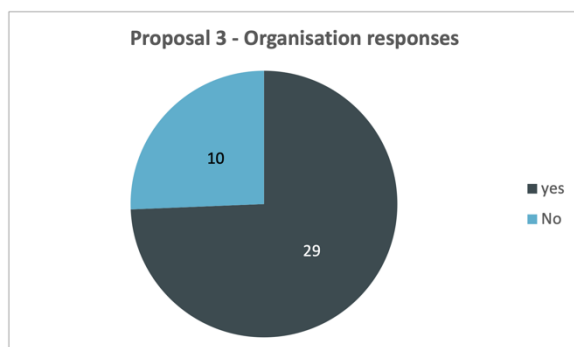


Fig 3 (a) Responses from organisation

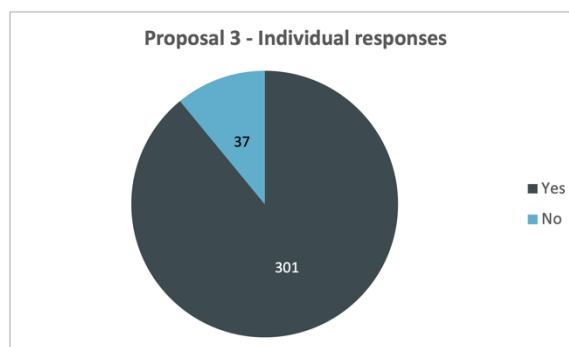


Fig 3 (b) Responses from individual

Organisations

For those organisations who responded yes, the following arguments and suggestions were provided as additional information. Responses have been summarised, with direct quotes used where appropriate which are *italicised*.

Proposal 3 would increase safety. Four organisations supported the Proposal but would also like to see this extended further to all water all users of waterborne activity, irrespective of age, to enhance and promote the safety of water purpose activities. These activities should include jet skis, power boats, canoes, and paddleboards. Adding to the argument for extension to cover all water users, one organisation cited evidence to suggest it is not the case that adults can make informed decisions around PFD use and increasing water safety for all users of these craft and floating equipment should be paramount irrespective of age.

One organisation provided additional views regarding enforcement and the practicality of the Proposal. They were concerned that the difficulty in age identification may be a barrier to enforcement. They asked if it was expected that everyone carries an ID. They thought that the Proposal should have a clause to state that this is only a requirement when the vessel is in motion as during summer, some young people would want to use the boat's swim platform without the restriction of a life jacket

One organisation expressed the view that it may require investment for the required resources to enforce this and may impact on the public's reception of safety messaging. They also expressed concern regarding the possibility that the proposal discouraged people from using the Loch and could result in dangerous practices being displaced to other bodies of water nearby in other areas of the National Park.

One organisation proposed two alternatives:

- *“Alternative #1: Education and encouragement on cold water immersion including appropriate clothing & use of PFDs and rescue techniques. Their reason is that plenty of training material is available in the public domain and can be highlighted in brochures or websites.”*
- *“Alternative #2: Exceptions for vessels at anchor or moored. Their reason being that young people should be allowed to enjoy the loch as much as adults and sunbathing on deck & swimming close to the mother craft should be allowed. There is a difference between parentally supervised swimming and falling overboard.”*

For those organisations who responded no, the following arguments and suggestions were provided as additional information:

One organisation wants the proposal to include all water craft users such as Jet skis, Paddleboards, Canoe and Kayaks.

One organisation thought that public awareness and education on this matter may be a more effective route to achieving the desired outcome of a safer loch

One organisation thought that making it compulsory for children and not for adults may lead to the wrong impression that adults are exempt, particularly given that the statistics relating to boating deaths almost exclusively involve adults and not children

One organisation asked that an exemption from this byelaw be made for commercial passenger ships carrying more than 12 passengers as they are covered by existing legislation, MCA Government class V. According to them, passengers already benefit from a safety announcement, and it is impractical for all children to be assessed and fitted with life jackets for a short cruise. Another organisation also asked for an exemption to be made for young persons under 16 who are undertaking a supervised rowing training session with an adult supervisor present who can affect a rescue to a launch or by buddy rescue.

Two organisations rejected the proposal on the following grounds:

- a) They argued that the responsibility should sit with the child's responsible adult and not the National Park Authority. They questioned the reasoning behind the proposal as according to them persons under the age of 16 are the least likely to drown than other age groups. They argued that a parent/guardian on the vessel must be the person legally responsible, and that the Children and Young Persons (Scotland) Act 1995 could apply in any cases where negligence was determined.
- b) Their view was that there is ambiguity in the wording and definition of "*Open deck*" which would make the Proposal difficult to enforce given that many of their members fishing boats and indeed other power-driven vessels on the Loch have vessels with pulpits and cabin or cuddy areas. The Proposal states "*Open Deck*" in its introduction and summary, but when refer to the actual wording of the Proposal it states "*...is in a cabin or other space which is enclosed on all four sides and covered by a roof*".

Another organisation stated that although they are in favour of PFD to all under 16s, their approach would be "*Education, not Regulation*" as a better way to increase awareness of risk and encouragement of safer practices on the water. They argued that they know of no evidence of higher risk for under 16s across a wide range of water-based activities. Furthermore, according to them, it will be challenging to enforce widely which might result in it being "*unworkable and unenforceable*".

Individuals

The next section will look at the **responses from Individuals**.

For those individuals who responded yes, the following arguments and suggestions were provided as additional information. Responses have been summarised, with direct quotes used where appropriate which are *italicised*.

In general, several of respondents welcomed the proposal as it encourage safety and thought the proposal was common sense. Near 12% (40) respondents wanted the proposal to be extended to all ages in all circumstances including kayak and paddleboarders. Some people went on to suggest the introduction of high visibility clothing for young people. However, some respondents argued that the Proposal should have a clause that specifies only when the boat is in motion. The Proposal should also exempt children who are being closely supervised and stay well within their depth in shallow water from wearing flotation devices.

There was a suggestion to have a map of depths at every launch site which would be clearly visible for all water users to help the public understand the water mass they are entering.

Questions were raised regarding liability and enforcement, these were:

- *“Who shall be responsible for non-compliance, the boat master, or the adult in charge of the child?”*
- *“How will it be enforced by rangers?”*

There was a suggestion that Jet ski owners have Third Party insurance, in case of accidents.

Another suggestion was to allow access to the slipway only for people who are already wearing a flotation device.

For those individuals who responded no, the following arguments and suggestions were provided as additional information:

They argued that there is not enough evidence to support the proposal and therefore it should be the responsibility of the parents/ carer or at the discretion of the vessel owner. They should assess the situation and make the decision based on the circumstance. Some argued that it should not be only dependent on age, but it is better to have people assess the level of risk. Some said that it should not be made compulsory and called for further education.

Concern was raised on the negative implications of this proposal for small ferry operators around the Loch as the operator of the vessel would need to train to fit the correct life jackets to young children, and this could create the need for staff with the appropriate Disclosure or membership of the PVG Scheme in place.

Some thought the age limit should be reduced to 12 years.

Respondents noted that the consultation document and the actual proposed Byelaws differ in definition and therefore were very misleading. Referring to “*open deck*” in the consultation document then referring to “*enclosed spaces with 4 sides and a roof*” in the draft byelaw.

Some felt more clarity was needed around the wearing of flotation devices – for example “*is it at all times or only when the vessel is underway?*”

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

From the 374 responses to 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, 88% (330 responses) support the proposal while 12% (44 responses) did not. 59% (221 responses) respondents did not provide additional comment on the proposal.

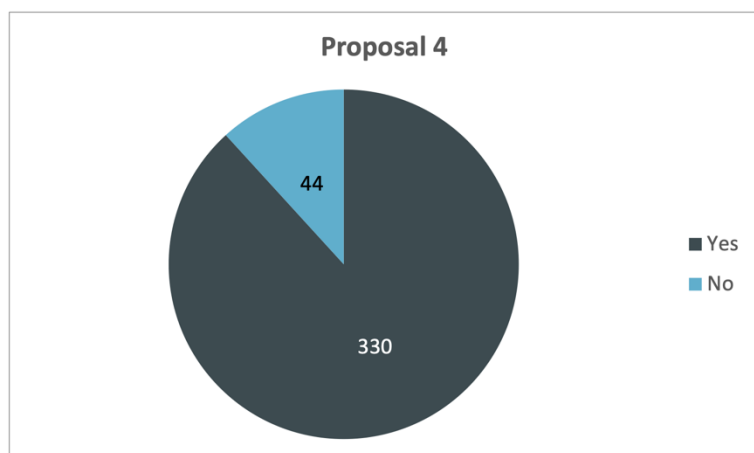


Figure 4 (a) and (b) below shows the responses given to Proposal 4 broken down into the Organisations and Individuals. The support for Proposal 4 from the organisations is at 97% (38 responses) compared to 87% from individuals (292 responses).

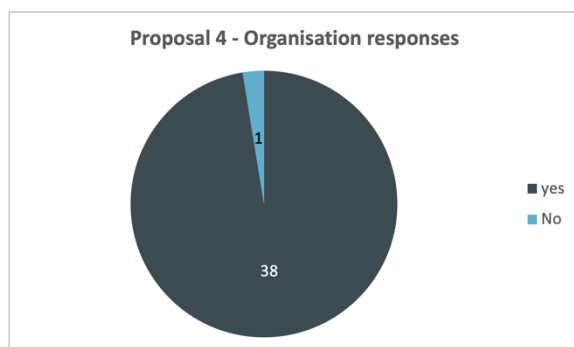


Fig 4 (a) Responses from organisation

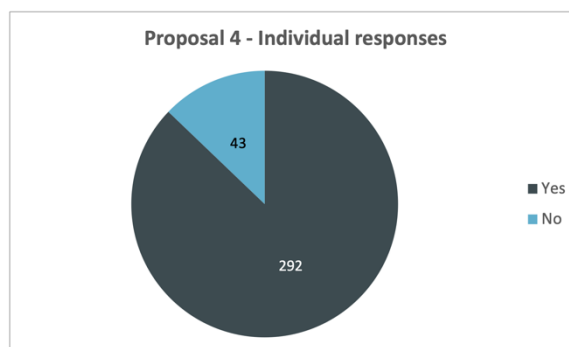


Fig 4 (b) Responses from individual

Organisations

For this Proposal, only 1 response chose to not provide any additional comment to support their response. Responses have been summarised, with direct quotes used where appropriate which are *italicised*.

Responses from Organisations were majority in favour of the Proposal, it was deemed sensible.

Two organisations advocated for uniformity within the Byelaws over the actual age of responsibility in that within the statute laws of Scotland recognition is given to those persons aged 16 and over in aspects of daily life such as marriage, voting and so on. In view of this, they believe there is conflict across all the Byelaws as 18 years and older are classed as adults, and the owner of a power craft must be at least 18 years old, so there are a few instances where the organisation believes the age for a young person is below X years and an adult is above X years.

Another organisation thought that the byelaw proposal does not go far enough and is not fit-for-purpose to control the significant number of jet-ski users frequently exhibiting disruptive behaviour on Loch Lomond, which is both dangerous to themselves and to other visitors. They believed that the byelaw amendments proposed would not effectively address this issue and are advocating for additional measures which are:

1. *“Resources and funding (perhaps at least in part recoverable by registration fees) to operate, invigilate and enforce”*
2. *“Use of webcams and bodycams to record evidence to support invigilation and enforcement of abuses.”*

Additional resourcing was not specified for any particular organisation, such as for the National Park Rangers or Police Scotland for example, but for the most effective way of enforcing byelaws.

An organisation suggested that the responsibility for naming the owner of the vessel be written into the byelaw, making refusal to name or give false details an offence too.

Individuals

The next section will look at the **responses from Individuals**. Responses have been summarised, with direct quotes used where appropriate which are *italicised*.

For those individuals who responded yes, the following arguments and suggestions were provided as additional information:

There was a general agreement with the proposal, it was deemed sensible, will enhance safety, and would ensure greater scrutiny by the vessel owner on whom and how they allow usage. More information on enforcement was requested, such as:

- *“Who shall be responsible for non-compliance?”*
- *“Is it going to be the boat master or the adult in charge of the child, or both being charged with Section 12 Children and Young Person Act in event of fatality?”*
- *“What are the measures if someone take the vessel without permission or in case of theft? Related to this, one suggestion made is to add a clause to absolve the owner or registered owner in the event of theft.”*
- Another suggestion is to have a proportionate penalty, i.e.: *“1st offence, 1-year ban from boat registration; 2nd offence, 5-year ban; 3rd offence life ban of boat registration.”*
- More clarity on what the definition of a *“young person”* will be.
- A suggestion to implement an age restriction for driving boats or water skis.

Comments regarding the enforcement of this proposal include a need for robust ID checks in place when issuing Registration Certificates and CCTV cameras taking registration plates at main access points to register who is launching. Concerns were raised on the capability and resources of the National Park Authority to enforce the measure, given staffing and equipment levels versus the extent of the Park.

One view expressed was that young people should always be under supervision of an experienced adult rather than owners believing they can still allow young people out in higher powered vessels. This view included making this about prevention of young people being in the situation whereby they can commit offence, rather than punishment after the event.

For those individuals who responded no, the following arguments and suggestions were provided as additional information:

Responders argued that it is the responsibility of the person committing the offence or it should be a shared responsibility. If the person is old enough to take charge of a powered vessel, then he or she is old enough to take responsibility for their actions.

There was also concern around the enforcement of the Proposal due to ambiguity and potential that it will be open for interpretation. Some respondents asked about the legality of this proposal and how it will be enforced in practice. The question was raised on whether liabilities can be transferred to someone who is not actually there at the time. It was argued that the person who committed the alleged offence should be the only person liable.

Proposal 5: Introduce a Loch Lomond User Registration Scheme

From 375 responses to Proposal 5 – Introduce a Loch Lomond User Registration Scheme, 77% (290 responses) were in favour of the proposal while 23% (85 responses) were not. 53% (199 responses) respondents did not provide additional comment on the proposal.

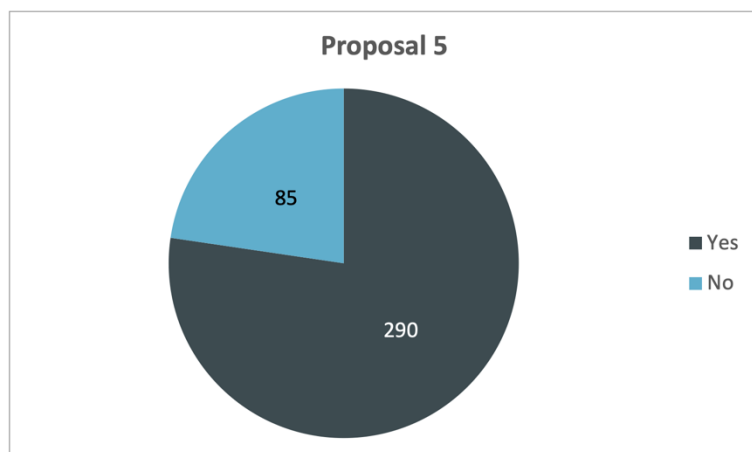


Figure 5 (a) and (b) below shows the responses given to Proposal 5 broken down into the Organisations and Individuals. The support for Proposal 5 from the organisations is at 76% (29 responses) compared to 77% from individuals (261 responses).

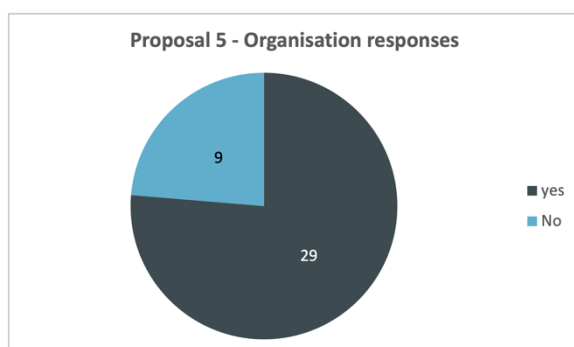


Fig 5 (a) Responses from organisation

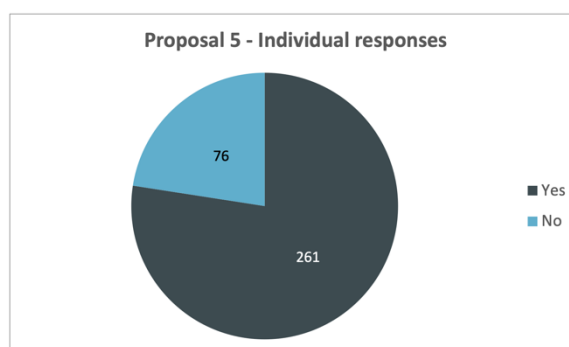


Fig 5 (b) Responses from individual

Organisations

For those organisations who responded yes, the following arguments and suggestions were provided as additional information. Responses have been summarised, with direct quotes used where appropriate which are *italicised*:

Responses from Organisations were in the majority in favour of the Proposal, it was deemed a sensible idea. One organisation thought that the Proposal will enhance the knowledge base of waterpower craft users and increases the ability to hold registered keepers to account.

One organisation comment was regarding enforcement, they thought it may require investment for the required resources and may impact on the public's reception of safety messaging. Concern from the same organisation was expressed, as with other proposals, regarding the possibility of the proposal to discourage people to use the Loch and could result in dangerous practices being displaced to other bodies of water nearby in other areas of the National Park.

One organisation advocated for the exemption of small craft from this provision, given they are unlikely to be in contravention of speeding byelaws

One organisation thought that the Proposal does not go far enough and made the same recommendation as Proposal 4.

Much of the new requirements above may be dealt with using remote, web-based applications prior to users applying for any annual registration.

One organisation's comment was regarding PWCs. They argued that many owners of PWCs are not consistently the users of these craft. They are loaned to family members and friends, some of whom have never operated a powered vessel on water and are under the age of 16 years. Their suggestion is to have every PWC display a highly identifiable registration number in order that, should the current user not be identifiable, the craft can be impounded and held until a resolution for any contraventions of the Byelaws can be reached. Advance communication of such a scheme to PWC owners would be essential via the National Park web pages, information boards at access locations, printed leaflets at tourism locations and other outlets.

Another landowner's comments were around the need for enforcement for the success of the Proposal. This also suggested that the general registration process could involve some education of the various dangers associated with the water, and clear explanation of the byelaws – particularly if this afforded an opportunity to inform casual/visiting water users of the potential dangers. To support the process, it was suggested that a mobile app with which boats/craft are on the loch, what the conditions are etc, would be a huge step forward for everyone who uses the Loch. This could be extended to include a regular weekly update from Rangers with regards to any other useful information for Loch users.

One organisation commented that their safety boats are crewed by Club members on a rota basis. They asked if the records kept by the Club of who is crewing the safety boats on any

given weekend will be sufficient to satisfy the requirements for this register. Most safety boat crews are dinghy owners who do not own a power-driven vessel and would therefore not be registering under normal circumstances. If all safety boat crews will be required to register this will mean a significant administrative burden on the Club and could adversely affect Club activities by restricting the available safety crews.

For those organisations who responded no, the following arguments and suggestions were provided as additional information:

Three organisations were of the view that this Proposal will not achieve its intended purpose other than create work, with large initial set up expenditure and ongoing financial commitment for the National Park Authority. Their first concern was regarding GDPR constraints around receiving and holding and using and retaining persons' personal data. They also referred to the existing Byelaw 3.16.3 for the owner of a power craft to provide the users information when so demanded by the Park Authority or a Police Officer. Their solution is to have greater enforcement presence by the Park Ranger service on the Loch, from dawn to dusk every day of the year across all the Loch.

One organisation's concern was around the cost of setting up the scheme> They thought of it as an additional bureaucratic burden that would be difficult to implement. When it comes to identification, their opinion was that even with a photo registration scheme it could still be difficult to prove identity in a court, particularly as not practical to ask individuals to carry ID with them. Enforcement will only be easier if users have registered; if not registered, then same ID problem will persist. Therefore, if Proposal 4 goes through it will solve the problem of the unidentified users.

One organisation's concern was that there is a risk that the Proposal will fail on the National Park Authority's own criteria of Practicability and Enforcement. This may also be the case with the Proposed new Byelaw 2.7 False Information. Given that there are several individuals who are not concerned with either registering their vessels or providing false information, it is likely that the new Byelaws on a User Registration Scheme and on the provision of False Information will be ignored by some and prove hard to enforce, particularly during busy periods. They welcomed the proposal that an identification card does not need to be carried and indeed that a registered user must be on board but not necessarily at the helm. They suggested that consideration should be given to exempting low powered vessels from the requirement and to enrol automatically people registering or re-registering their boat using the data currently collected. They also noted that consideration should also be given as to how the proposal will affect the hiring of powered boats.

One organisation would want more clarification if the Proposal for all craft to be registered applies to motor powered craft only or to all vessels, including kayaks, canoes, windsurfers etc. They do not think that the Proposal should extend to non-powered small craft though as it would be difficult to police and apply but could also be an impediment to the principles of open access provision that relate to non-motorised watercraft.

Individuals

The next section will look at the **responses from Individuals**. Responses have been summarised, with direct quotes used where appropriate which are *italicised*.

For those individuals who responded yes, the following arguments and suggestions were provided as additional information:

In general, they were in favour of the Proposal, they thought the registration scheme would make the identification of users easier and would allow for follow-up in case of breach when the Park Rangers are not present. Some pointed out that a registration scheme for vessels already exists as they register every year. There was also a suggestion for any craft using the Loch to have a RYA qualified person in charge and individual craft should have a service certificate to lower the risk of breakdown and calling the rescue boat out. Additional areas for comment are noted below.

Cost

- Concern was raised around potential cost of this proposal with some advocating that registering for the scheme be free of charge for the user. Some suggest it should be included in the boat registration procedure.
- Others thought that a fee and permit system for all boat usage seems appropriate.

Application procedure

- Suggestion to have the Proposal apply to all water users including non-motorised crafts such as paddle boards and kayaks and the introduction of compulsory third-party insurance to any vessel.
- There should be provision for short term registration for visitors.
- A test like a driving test would ensure a certain skill and knowledge of navigation.

Enforcement/ Clarity

- Concern that the proposal might be hard to implement, become an administrative burden or a screening/vetting process and finally, hard to enforce as people who are likely to break the rules are unlikely to register. One response advocated a zero-tolerance approach, any user not registered to be fined/banned from future use.
- When creating the scheme, the National Park Authority should ensure that all users know the byelaws. It should not just be a tick exercise (just a signature that says they have read it)
- Suggestion to have drug and alcohol testing added to motorised craft registered users.
- Suggestion to make mandatory that operators of all types of boats on the Loch carry photo ID, e.g., driving license.

- Suggestion to have all Loch users registered for the National Park Authority to obtain better statistics of use. Moreover, all vessels should have a tag to identify them, including paddle boards.
- The implementation of this for currently registered vessel owners needs to be smooth, preferably electronic, and with a reasonable time scale to allow current registered owners to send in a photo and fill in the form from home. They suggested an initial pilot system registering new users and then gradually covering all current registered owners' users. PWC craft owners should be the first group to target given the current breach of byelaws is mostly by these craft users. This of course may be easier to implement quickly and if so, should just be done for all.
- Suggestion to have any loch user go through formal training to become competent in the use of any craft they intend to use on the Loch.
- More information was asked on whose responsibility it will be to enforce and would they have appropriate powers.
- Suggestion to introduce the scheme on a trial basis, obtaining as much information from all users to monitor anti-social behaviour.

For those individuals who responded no, the following arguments and suggestions were provided as additional information:

Their concern was that not everyone who owns a boat is going to have everyone driving their boat registered. They thought the Proposal was too administrative, difficult to enforce, costly to develop, and difficult to manage data, GDPR considerations etc. It was noted that there is already a boat registration scheme in place and the biggest issue of the current system is following through the complaints that are reported. They felt that the additional registration of the individual users would be unnecessary. Additional areas for comment are noted below.

Enforcement/ Clarity

- More clarity and information on how enforcement will work *“when people breach the byelaw? Would Park Authority staff be boarding boats to take names of those onboard? Would they have any legal right to ask someone to identify themselves? In these circumstances, how data integrity would be maintained and what kind of safeguards would be in place to prevent data loss or how the data would be protected etc?”*
- Concern that most of the users are visitors who would not be able to register.
- The challenge would be young people under the age of 18 being able to produce identification, the scheme must consider how young people can register easily as they will not have driving licences, evidence of address etc and may not have a passport. The Registration scheme must not effectively ban young people from

registering as a user because of identification requirements they cannot reasonably meet.

- Resource current enforcement with more patrols to enforce the existing byelaws instead of spending money to develop a new one.
- More resource around educating water users and focus on prevention.

Application procedure

- Preference would be to have mandatory powerboat level 2 (or similar for other craft types) for users to improve their baseline knowledge of navigating and using the water.
- Suggestion to have the existing vessel registration scheme improved. If a contravention occurs, then the registered owner should be liable unless user details are provided.

Cost

- More information around any additional cost for this proposal.

Proposal 6: Amend the existing Permission to Trade byelaw to solely deal with business practices causing nuisance on the Loch and its surroundings

From 345 responses to Proposal 6: Amend the existing Permission to Trade byelaw to solely deal with business practices causing nuisance on the Loch and its surroundings, 76% (261 responses) were in favour of the proposal while 24% (84 responses) were not. 66% (227 responses) respondents did not provide additional comment on the proposal.

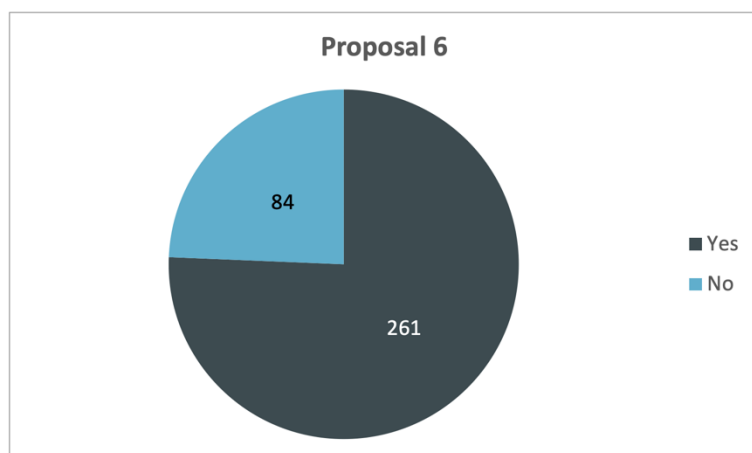


Figure 6 (a) and (b) below shows the responses given to Proposal 6 broken down into the Organisations and Individuals. The support for Proposal 6 from the organisations is at 78% (29 responses) compared to 75% from individuals (232 responses).

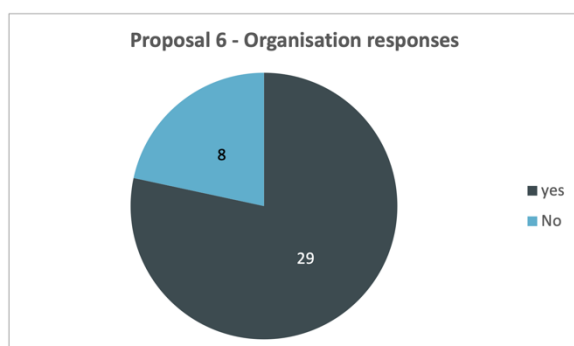


Fig 6 (a) Responses from organisation

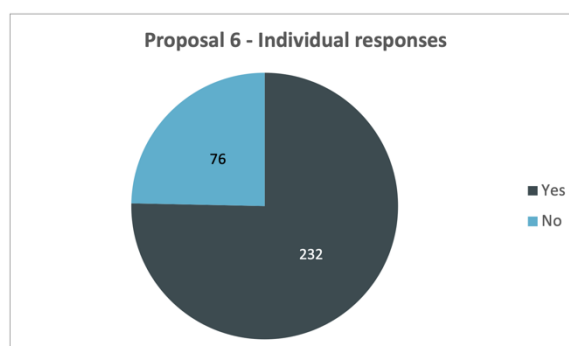


Fig 6 (b) Responses from individual

Organisations

For those organisations who responded yes, the following arguments and suggestions were provided as additional information. Responses have been summarised, with direct quotes used where appropriate which are *italicised*:

Responses from Organisations were in majority in favour of the Proposal. Two organisations supported the Proposal without additional comments.

One organisation welcomed any streamlined process that enabled staff to concentrate on enforcement in problem areas. One organisation supports the Proposal if it means that the National Park Authority will take further action to enforce obvious serial breaches. One organisation thought the Proposal was easy to apply without adverse effects, therefore, worth implementing. As with other proposals, one organisation thought enforcement may require investment for the required resources and may impact on the public's reception of safety messaging, plus previous concerns regarding displacement. One organisation agreed with the rationale put forward in the consultation document for introducing this measure and particularly for passenger boat operators who are stringently controlled by the Maritime & Coastguard Agency regulations and annual inspections.

One organisation's comment was that all traders should be registered with the appropriate department/s of the responsible local authority and follow all local and national statutory regulations for the services they offer.

One organisation wants the change to only affect those who are trading on the loch shores and not commercial operators taking access to the water

Two organisations concern was around determining "*nuisance*" as perception of that can vary. e.g., "*One person's recreation (e.g., jet ski hire) may be another person's nuisance (e.g., fishing boat hire)*". It is considered necessary that there is some authority, here the National Park Authority, which controls all commercial activity on the loch.

For those organisations who responded no, the following arguments and suggestions were provided as additional information:

For the organisations who were **not in favour** of the Proposal, some thought the issue is not of "*nuisance*" but of safety. Two organisations were concerned that if the National Park Authority removes the requirement to seek permission to trade there will be an increase in rogue traders. They felt this proposal, to roll back security and verification processes for Permission to Trade, is a retrograde step and will potentially lead to greater incidences of criminal and fraudulent activities, which consequently may lead to injury or harm to others. In their opinion, the current process and policy works extremely well, and they do not want the rule to change.

One organisation noted that there has been a proliferation of water-based commercial activities on the loch. This has caused some areas to be dangerously overcrowded at certain

locations especially north of Loch Lomond Shores, at the entrance to the River Leven and at Luss. They advocated for the requirement by all those trading on the loch to have Permission to Trade.

Individuals

The next section will look at the **responses from Individuals**. Responses have been summarised, with direct quotes used where appropriate which are *italicised*.

For those individuals who responded yes, the following arguments and suggestions were provided as additional information:

In general, they were in favour of the Proposal, it was deemed a reasonable suggestion especially if it makes the management process easier. However, there should be careful consideration for monitoring as the proposal could be open to foul play and false reporting. Furthermore, they thought anything that reduces nuisance on the loch can only be a benefit. Additional areas for comment are noted below.

Clarity

- More information and clarity on the definition of the word “*nuisance*” to avoid doubt. Suggestion for it to include type categories and there should be room within wording to address all business and varying impact, so it is not up to interpretation.

Businesses

- Concern around this proposal making it harder for business to operate. It was thought that the Park Authority should be promoting local businesses even if they create noise
- Concern about the proposal being cost prohibitive for traders. Suggestion to have allocated days when small traders can trade freely
- Suggestion that all businesses should be registered and must provide evidence of insurance.

Enforcement

- More information on how this could be enforced. “*Which parameters will be used to identify and decide what business is causing a nuisance?*”

For those individuals who responded no, the following arguments and suggestions were provided as additional information:

Those who were **not in favour** of the Proposal thought it was not clearly defined. Their concern was that the Proposal was “*subjective*”, as nuisance could be interpreted in different ways, which will make enforcement harder. They believed the byelaw needs better enforcement instead of amendments. Finally, there was the view that businesses operating around the Loch already have too many restrictions, with further restrictions impacting businesses’ viability. Additional areas for comment are noted below.

Enforcement

- Suggestion to retain ability to handle businesses causing disruption but accept evidence that the business is appropriately registered and licenced by external authority (removing the need for duplication).

Management

- Changing the scheme in this way will make it much harder for the National Park Authority to identify both when a business is being operated (even informally) and which businesses are creating a nuisance. They suggested for the registration to continue but could be in a simplified format. Monitoring of businesses could also be scaled back to only those identified as problematic.
- All business should be licensed to trade around the Loch in the same way any trader is required to obtain a licence from a local Council. Even businesses such as Ice cream vans, snack vans, scarf sellers at football matches all need a local authority street trading license.

4. Additional Byelaw suggestions

Question 2 asked respondents:

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

Organisations

From the organisation responses, 10 did not add any additional comments. Responses from those that did have been summarised, with direct quotes used where appropriate which are *italicised*:

- **Amendment to the wording of all appropriate byelaws:** It was noted that in numerous byelaws that, the rescue services, Police, Fire and Ambulance Services, Park Rangers etc are exempt from certain byelaws. One organisation request that exemption extends to warranted water bailiffs who are directly appointed by Scottish Ministers and who have the powers to stop, search persons, cars, boats etc, seizure and to detain and arrest persons committing offences under the Salmon and Freshwater Fisheries (Scotland)(Consolidation) Regulations 2003. Related to this point was that powers under that legislation allow bailiffs to enter upon any land etc and have therefore also been made exempt from certain byelaws to allow them to carry out their duties. The byelaws in question are: Old Number (2.7) New Number (2.8(1) AND Old Number (3.6) New Number (3.6(4)
- **Wash from powered craft:** Wash from larger power craft is also viewed as a problem, endangering both life and damage to property and the environment of all the shorelines especially around the islands and causing heavy erosion. Consideration must be given to introducing overall speed restriction, but also to responsible handling of the power craft as often the wash is created by a large boat not setting the trim correctly. Existing Byelaws are already in place but need a proactive enforcement team afloat from dawn to dusk every day of the year. Reckless behaviour or acting without due care and attention 3.5(1) and 3.5(3) needs to be enforced. It is believed that listing excessive wash in the wording of the Byelaws would help.
- **Speed limits in imperial measurement:** They requested that consideration be given for speed limits to be changed from metric (KPH) to imperial (MPH).
- **National Park Authority patrol craft fitted with portable electronic recording device/s:** they believe that if they are not already installed and used then all the National Park Authority patrol craft should be fitted with suitable camera recording equipment and operated strictly within GDPR guidelines. Not only would they be a visual deterrent, but the images also recorded would hopefully allow the appropriate enforcement action to be taken. As with bodycams for Park Rangers, they are a very useful form of deterrent and can provide evidence in helping obtain convictions for byelaw transgressions.

- A suggestion **designating and marking channels** for powered craft to enter and exit the River Leven, Duncan Mills Slipway and Cameron House marina to better segregate powered craft and non-powered water users and swimmers in these busy areas.
- **Issue with noise** – this is particularly noticeable in this predominantly quiet part of the loch and all along the West Highland Way.
- **Issue with fishing**- with the increase in boat movements there has been an increase in disturbance (noise and water from the wakes) to boat and shore-based fishing activities.
- **Issue with swimming** – a significant number of swimmers use the water around the islands and along the shore, particularly between Ardleigh and the county boundary. There is a risk to swimmers' safety.
- **Impact on designated sites**, beavers, and biodiversity generally- the wakes and noise caused by PWCs? have negative impacts on these.
- **Environmental** – The use of fossil fuels to power PWCs? can only add to the risk of air and water pollution and is in contradiction to the Park's own net zero goals for all users.
- **Enforcement** – Given the existing and well-rehearsed difficulties of managing land-based activities and behaviour, the prospects of effective enforcement on fast moving, difficult to identify jet-skis must be minimal.
- **Third-party insurance:** It is in their view that there should be a requirement for all powered craft using the Duncan Mills Memorial Slipway and any other National Park launching facility on the Loch to have at least basic current third-party liability insurance cover to safeguard other Loch users in the event of accidental damage to property and/or personal injury. In this regard, it is contended that the National Park Authority has a public and owners' responsibility and should alter the terms and conditions of using their launch facilities to at least make it a mandatory requirement for all powered craft to have in force third-party insurance. Where such cover is not produced, for an additional fee a basic level third-party insurance cover for the duration that the craft is on the Loch could be provided.
- **Safety around piers:** A Byelaw prohibiting people (adults and children) from using piers as swimming platforms, particularly at Luss Pier.
- **The National Park Authority to issue fixed penalty tickets:** the ability given to the National Park Authority to issue fixed penalty tickets would add greatly to the enforcement of the Byelaws and would act as a deterrent making the Loch a safer place for visitors while enhancing their experiences. The difficulties in introducing such a process for dealing with Byelaw contravention are readily accepted but ultimately would prove beneficial in Byelaw compliance and reduce time-consuming and expensive alternatives.

- **Rangers issued with bodycams:** for personnel safety when dealing with non-compliant visitors. While the cost of set-up is expensive, they consider it to be a highly worthwhile aspiration.

Individuals

For the **individual responses**, additional areas for comment are noted below. Responses have been summarised, with direct quotes used where appropriate which are *italicised*.

Monitoring and Enforcement

- To leave things as they are but have better enforcement.
- There should be more investment in patrols through policing or having special officers on boats, especially in hot spots.
- To introduce a ban for those drinking alcohol or taking drugs to be in charge or control of motorised vehicles on the water.
- Work closely with Police Scotland officers to support the work of the Rangers and increase enforcement around the surrounding road network to make it less attractive for problematic users to attend at loch.
- Speed cameras should be installed at Luss pier to provide evidence of speeding craft and authority has the right to confiscation and ban on individual from using any other craft on the loch for 12 months
- Education and an online "theory" test before anyone can access the loch which displays a user's understanding, brings accountability, and shows awareness of areas of interest, danger and restrictions.

Management

- Introduce compulsory insurance for motorised vessels (boat and jet ski) to be able to register.
- A similar scheme for powered vehicles on the loch should be in place. Each loch access point - such as those around the proposed low-powered zones - could be allocated a number of daily permits. Anyone wanting to access the Loch on a powered vehicle would be required to book a permit in advance (this could even be done on the day, assuming there are permits left) which is then valid for the duration of that day. Registration would require full contact information and vehicle registration for the 'lead person' making the booking, as well a list of anyone else who might be using the vehicle during the day. This would resolve the accountability problems mentioned in the consultation document.
- To have marked channels for boats to steer then moor.
- Byelaws should be widely displayed around the loch shore and should be downloadable.
- Education would be helpful and should be a priority to ensure that all users are able to enjoy the loch safely and contribute to the local economy.

- Users should provide a certificate for passing basic training in reading signs and monitoring small craft before using powered vehicles.

Location

- The north of the loch should be low impact e.g., no speed boats past Balmaha. There should be a balance between tourism and leisure. Parts of the Loch should be kept as a sanctuary for nature, wildlife.
- Milarrochy bay should be opened as a launch facility, even just for the summer months, to relieve the demand and congestion on Duncan Mills.
- There should be a no motorised/sail vehicle in a cordoned off area of Luss and Rowerdennan.
- There has not been any specific proposal for Ardlui where jet skis are a major nuisance
- Consider parking at areas you expect people to be using non powered craft
- Suggestion to have other lochs /reservoirs in the National Park opened for use by jet skiers/power boats and Loch Lomond cater for more sedate forms of transport (fishing boats/rowing boats/yachts)

Speed

- Introduce a loch wide speed limit for powered vessels but define areas where high-speed vessels are allowed. Instead of having a small low-speed area, there should be a small high-speed area.
- *“Why are the byelaws in KPH and not MPH?”* According to them it makes the speed byelaws difficult to understand.

Water access

- Small, registered boats which have an outboard motor should be allowed to access the loch from the shoreline at any point if rowed out including from the proposed low-powered activity zones, in particular Milarrochy Bay.
- The tourist ferries on the busiest days in summer should be diverted from using the narrows.

Noise and nuisance

- Introduction of noise limits for powered craft used on Loch.
- Wash/wake from large power vessels travelling at speed is a significant issue that needs addressed. Technically it should be enforceable already in byelaw 3.5(1) but may be clearer if it specifically referred to wash/wake.

Pollution

- National Park should adopt regulations used in French canals where craft are prohibited from discharging 'grey' water and bilge. Powered craft require to have drip collector trays under their transmission sets to catch drips. Grey water needs to be collected in separate tanks to be emptied at shore-side facilities.
- Disagreement with decarbonising the Loch, removing fossil fuel driven vessels would have a seriously detrimental effect on the economy of the surrounding area. A move toward offsetting the carbon footprint is more practical rather than phasing out.

Safety

- There is no provision in the new addition to the byelaws to allow anyone to maintain or look after life-saving equipment such as life belts.

Applying Byelaws to other lochs

Several respondents suggested introducing byelaws to other lochs within the National Park Authority. These were:

- To introduce Proposal 1 to other Lochs within the National Parks to ensure inconsiderate behaviours displace to locations that cannot be monitored especially with jet skis.
- Have proposal 1 applied to the eastern end of Loch Earn and the village of St Fillans
- There is no right of navigation for powered craft up the River Falloch, but there is currently no resource from the landowner or National Park Authority to enforce this.
- Suggestion to have the six Proposals implemented across all lochs and water-based activity areas within the National Park rather than just confining it to Loch Lomond. The argument is that other lochs are experiencing similar problems.

Comments regarding Personal Water Craft (PWCs)

9 organisations out of 15 who commented on the question asked for a full ban of Jet-skis on a Park-wide basis to prevent displacement of the problem to other lochs within the Park area. 45 individuals also called for the ban of Jet skis (not necessarily defining if it was just Loch Lomond or a wider ban as per the organisations), on the basis that they create pollution, both noise and chemical pollution and concerns that use creates a safety issue for other water users, with reference to reckless use. Comments noted that if a full ban is not possible, then there should be introduction of more rigorous regulations regarding Jet-skis. Alternative or proposed changes are:

- Suggestion for a whole review of the marker boys on the loch to have lights on them to prevent future accidents especially during night-time.
- PWC users should have more awareness regarding the drink and drive legislation that was introduced under the Railways and Transport Safety Act 2003. The legislation is about the prohibition of drinking and being in charge of driving a vessel and should be enforced on the loch.
- Introduction of a simple traffic light system, maybe on the National Park website and social media pages, informing people of the conditions on the Loch, would go a long way to helping those who get into trouble while using PWC.
- If the National Park Authority will not ban PWCs outright, they should be strictly limited to a slow speed within 500M of any shoreline and limited to the Loch speed limit only in central areas of the Loch. A noise control should also be put into place at a certain time e.g., before dusk. This could be covered within an existing Byelaw 3.5(3) under the terms of “*causing a nuisance*”.
- Introduce a curfew overnight to prevent PWC use.

- Put conditions on the use of PWC/jet skis including proof of registration, third party insurance, demonstrate understanding of byelaws, Loch topography/hazards and basic powered watercraft competence.
- Restrict numbers of PWC/jet ski registrations, tied to the above condition
- Put forward legislation that limits PWC/jet ski launching opportunities, making launching a motorised craft without permission a criminal rather than civil offence. Limit launch opportunities in busy areas (e.g., Luss, Aldochlay and Bandy Bays) by creating launch zones within these areas to reduce the risk of accidents with other loch users (e.g., swimmers and non-powered watercraft).
- Resourcing patrols with a permanent peak season presence (April to October.)
- Have the whole Loch at 11kph and create a specific area for jet skiing and high-powered water sports where they can speed
- Have a "no jet ski" area somewhere so that open water swimmers can swim without worrying about collisions.

One organisation would support a wider approach which either excludes all powered craft where applicable, for example popular swimming and canoeing launch points such as Milarrochy Bay or restricts the maximum HP of engines. However, they do not advocate for a temporal zoning as these would give more scope for confusion about what is allowed and when.

One organisation argued that PWC seem to be the target as they present dangers from speed, (random) manoeuvrability, inappropriate operator behaviour and so on but they suggest that rather than banning them from specific zones, the National Park Authority should use of a wider set of criteria (e.g., power output) which means less problematic powered vessels are included. For them, the main safety issues are speed, responsible behaviour, and good watch-keeping not purely engine power. They finished by saying that all craft should be allowed to access piers and jetties to pick up and drop off as necessary.

Additional comments

Question 3 asked respondents:

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

From the organisations, generally they noted that they were thankful for the opportunity to give their feedback to the consultation. Their additional comments were regarding having better enforcement and education.

Comments included:

- *"The fourth of the "Key Issues to Address" (p6) is given as "The risk of fatalities due to cold water shock". The organisation recognises the risks posed by cold water shock. However, they see little in the proposals that address this risk and continue to suggest that this needs further consideration.*
- *On page 5 of the consultation document there is a figure of 119% increase in "recoded" (recorded?) Byelaw contraventions during the period 2019-2021, 44% of which related to speeding in the 11kph areas. There are no corresponding figures for the sanctions imposed, warnings or summons, resulting from these contraventions. Given that one of the other key issues to address is "irresponsible use or antisocial behaviour by some Personal Water Craft users" and one of the outcomes is "appropriate and effective management and enforcement through clear and understandable rules", it would be useful to have a baseline for successful sanctions imposed on those contravening the existing Byelaws as a means of measuring the efficacy of the proposed revised Byelaws. This would provide assurance that this is best addressed by changing the rules rather than by changing the enforcement strategy.*
- *The draft revised Byelaws contain a change to the definition of "vessel" (p28, 1.3.(29). The new definition is very broad and could cover small model craft, including radio-controlled models."*

From **individuals**, in general they were thankful and appreciated the opportunity to give their feedback to the consultation. Their comments were:

- The definitions of the different type of 'vessels' covered by the byelaws seem incomplete, confusing, and not related to the vessel's vulnerability or, conversely, its potential for causing harm or damage. As an example, an 'unpowered' sailing dinghy or sailboard especially if of the planning or foiling type is perfectly capable of speeds more than 20 mph and causing substantial damage if it hit anything.
- More enforcement to address anti-social behaviours on the Loch and to have more patrol boats.

- The byelaws should also apply to paddleboards and kayaks in terms of speeding and creating disturbance to other users of the Loch.
- More information on the Byelaws will tackle people drinking and swimming.
- More awareness programmes for example for open-water swimmers.
- The Loch should be used by all and there should not be any ban for any form of activity.
- The National Park Authority (and partners like Police Scotland) need to strike a balance between enforcement / stick-based measures and education and awareness-raising.
- Reducing carbon emissions should have been a key highlight within this survey
- Disagreement about phasing out all fossil powered craft as fossil fuels will always be around, and the authority should not be pushing electric craft. This will have a catastrophic impact on the businesses in and around the loch.
- Enquiry on page 24 there are several "other matters considered", and some text that says, "these issues and proposals can still be considered further during, and after, this public consultation". Does this mean that the Park Authority may not consult wider on any of these proposals?
- The census numbers taken of the years when in a pandemic is not a true reflection of the Loch. The statistics from that period are completely unreflective of the 10-year period the byelaws are supposed to be assessed against.
- Suggestion to set up the Loch Lomond webpage to include reporting sightings of any infringements.
- Suggestion to have rowers wear high visibility tops to limit accidents.
- Suggestion to conduct a study to inform this legislation as there is need for research to understand the impacts of usage and causes of pollution on the water environment.

Open waters swimmer

2 organisations and 7 individual respondents spoke about Open water swimmers' safety.

According to them, given the increase in open water swimmers using the Loch, they believe many swimmers take no responsibility for their own safety and it's the masters of the powered vessels or other watercraft that would be deemed to be the problem person in an accident or fatality situation. They advocated for the introduction of a Byelaw for mandatory use of high viz swim floats by open water swimmers and where boats accompanying/supporting open water swimmers with a requirement to display an Alpha Flag with 360 degrees visibility. Moreover, they recommend that the National Park Authority

display prominently at launch sites and beach areas, strong advice for swimmers to use high visibility swim-floats when in open water. Such notices could also contain warnings and advice on cold water shock and hypothermia.

5. General Feedback

The section below highlights feedback and comments received that are not related to the Byelaws review. Responses have been summarised, with direct quotes used where appropriate which are *italicised*.

Organisations

One organisation comment was: *“The Park’s Role as Planning Authority, Second Home Proliferation versus the lack of Affordable Housing for Local People: The Park’s current Planning Policy actively prohibits redevelopment and renovation of old or abandoned housing stock for permanent residence purposes and mandates that this should only be permitted for short term visitor letting purposes only.*

“This policy is now inappropriate, outdated, and actively damaging to our Community (and no doubt to other Communities within the Park) and recently has been the clear prime cause of young families having to leave the Luss area.

“The nature and sustainability of our Community is being actively damaged by this aspect of current Park planning policy.

“It needs to be changed to be fit-for-purpose for the Park’s obligation to ‘nurture and support’ our local Community – we want that our young people should be able to stay, develop and prosper within their local area without artificial hinderance.”

Proposal from one organisation to do on-the-spot-fines for anti-social behaviour, erection of a tent without permission, cutting of wood and burning wood out with a fire-pit causing or likely to cause damage to the ground. Consideration could be given to these being issued by both Rangers of the park and Police. They believe that this would act as a deterrent to those offences and promote an attitude change to use of the park by visitors.

From Individuals

- More information through data around enforcement regarding how effective the changes to the byelaws in reducing anti-social behaviour for camping were.
- Enquiry about the number of large houses being given planning consent.
- To have adequate refuse provision all year round
- Demand for the removal of double yellow lines at beauty spots and ticketing where no real hazard has taken place
- Give more control for rangers to ensure that people clear up after their use of the loch
- Maintenance of trees and overgrowth so that the beauty of the loch can be enjoyed
- To have amenities such as showers and toilets on all the shoreline beaches.

- Introduce a ban on smoking on the beaches
- Introduce strict measures to ensure water quality and avoidance of pollution from industrial and domestic sources.
- Introduce a free bus travel around the loch and surrounding hills during the summer months.
- Introduce buses that are equipped to transport bicycles to areas to which cyclists might not otherwise venture
- Create segregated bicycle and pedestrian paths from routes carrying vehicular traffic
- Some form of legislation to limit the numbers of vehicles accessing more remote areas of the Loch, e.g., Rowardennan. Introduction of shuttle bus or similar running Balmaha Rowardennan may be of use during busy periods.
- Demand for more public jetties and places to stop for toilets and refreshments.
- Introduce charging scheme for loch users
- Provide designated parking which can include 1 night max for campervans overnight.
- Measures to monitor wild camping and reduce the impact of the minority of people who do abuse this privilege with irresponsible behaviour and littering
- Objection to Flamingo Land proposals
- Improve vehicle access and parking particularly to the east side of the loch where it can be very difficult to park.
- Suggestion to create more charging points for electric craft.
- Reduce car usage as there are too many private cars.
- Concerns on the waste that people visiting leave, be it on the islands or/and areas in the national park. A suggestion is to have a toll that nonlocals must pay to visit, to ensure that if they are visiting more can be done to police the waste left behind and maybe prevent it.
- Complaint about the survey that does not allow respondents to save it and come back later to it. Also, a complaint that the "*In what capacity you are responding to this survey?*" only allowed one answer.
- Demand to ban barbeques, bonfires, and cooking in public places as it was considered a nuisance and causes vermin.
- Ensure the South Loch Earn Road is always passable by traffic.

Conclusion

Overall, there was a general support from both the organisations and individuals for the six proposals with some organisations and individuals providing additional comments and caveats.

Most of the comments were regarding the anti-social behaviour of PWCs with some requesting a full ban while others were advocating more restrictions. One common concern was the displacement of activities relating to PWCs to other lochs within the National Park Authority in the case of the introduction of a ban on Loch Lomond.

Enforcement was another issue that was recurrent, respondents were advocating for more enforcement for the success of the byelaws.

Finally, regarding Luss and Proposal 1, there were comments suggesting different approaches to allowing for access. Many recognised why Luss was included, but would like to see exceptions or modifications made to the proposal as it is taken forwards.