
REQUEST FOR BYE-LAWS – LOCH AWE

1. BACKGROUND

- 1.1 On 27th August, 2001 the Leader, Depute Leader and myself met with representatives of Loch Awe Improvement Association. The Association had requested the meeting as they wished the Council to consider promoting bye-laws to regulate the use of Loch Awe.

- 1.2 This matter had previously been considered by the Policy Committee of Argyll and Bute District Council in June 1995 at which time it was agreed that no bye-laws should be introduced for Loch Awe because of the perceived lack of support for regulatory measures other than a registration scheme.

- 1.3 The representatives of the Association said that the situation had moved on considerably since 1995 and they were now convinced of the need to regulate the use of Loch Awe. The increased number of people gaining access to the water for various activities brings with it a number of problems such as noise and fuel pollution, damage to fishing stocks and health and safety issues. They emphasised the reputation which Loch Awe has for its trout fishing. The Association certainly do not wish to prohibit recreational use of the Loch but they are firmly of the view that measures require to be put in place to ensure its future is properly safeguarded and preserved.

1.4 They cite as an example the bye-laws which have been in force since 1996 in respect of Loch Lomond. These bye-laws introduced a registration scheme for all boats, imposed speed limits in certain areas and regulated activities such as water skiing.

1.5 It was acknowledged at the meeting that there was a need (as had been done previously in 1995) to ascertain the views of other interested parties on the introduction of bye-laws. It was agreed that this consultation exercise could take two forms:-

1. A letter would be written to all riparian owners and businesses in the area surrounding Loch Awe seeking their views; and
2. Advertisements would be placed in the Argyllshire Advertiser, Oban Times and the Glasgow Herald indicating the Council's intention to consider the introduction of bye-laws and inviting comments from interested parties within four weeks of the date of the advertisement.

2. LEGISLATIVE POSITION

2.1 Section 121 of the Civic Government (Scotland) Act 1982 gives a Local Authority the power to make bye-laws for the purpose of preventing nuisance or danger at, or preserving or improving the amenity of, or conserving the natural beauty of, the seashore (and its adjacent waters) and of inland waters. Such bye-laws may regulate or prohibit any activity by way of trade or business on the seashore, regulate the use of vehicles and regulate the exercise of sporting and recreational activities. The procedural requirements laid down for the making of any such bye-laws are quite rigorous and include the need to make enquiries reasonably necessary to ascertain the existence and identity of all persons having a proprietorial interest in the seashore, etc.

3. RECOMMENDATION

3.1 It is recommended that the Strategic Policy Committee agree that a consultation exercise be undertaken as detailed in paragraph 1.5 to determine the views of relevant and interested parties on the proposal that the Council should give consideration to the introduction of bye-laws to regulate and control the use of Loch Awe for recreational and sporting activities. A further report will be submitted to the Strategic Policy Committee detailing the results of the consultation exercise.

4. IMPLICATIONS

Policy

None

Financial

There will be costs associated with the consultation exercise in the region of £2,000.

Personnel

None

Legal

None

Susan Mair

Head of Legal Services

2nd October 2001

For further information please contact Susan Mair on 01546-604130.