



CAIRNGORMS LOCAL OUTDOOR ACCESS FORUM

Title: - Guidance note – managing recreation on lochs

Prepared by: Vicky Hilton, Outdoor Access Officer

Purpose

This paper presents the draft guidance note on managing waterborne access. Members are invited to comment and advise.

Background

Recreational use of lochs and other water bodies has seen an increase over the last few years, with the availability of more accessible, lightweight sports equipment such as stand-up paddleboards and inflatable kayaks. Most notably on Loch Kinnord, Loch Pityoulish, Loch Vaa and Loch Garten. The Park Authority recognises that in some situations the increase in recreational use of water bodies may cause disturbance to sensitive species, habitat damage and or conflict other management objectives eg angling.

The guidance note (see annex one) aims to consolidate principles for managing waterborne access developed at Loch Kinnord and providing guidance for land managers in managing recreational use of water bodies. It sets out the visitor management tools that could be used, the respective roles of those engaged in tackling any issues and the monitoring and evidence required by the Park Authority to justify any management interventions.



Annex One-Guidance note – managing recreation on lochs

May 2024

Background

Recreational use of lochs and other water bodies has seen an increase over the last few years, with the availability of more accessible, lightweight sports equipment such as stand-up paddleboards and inflatable kayaks. Most water users act in a responsible manner and benefit from enjoying the lochs of the Park in a peaceful manner with little impact.

However, the Park Authority recognises that in some situations the increase in recreational use of water bodies may cause disturbance to sensitive species, habitat damage and or conflict other management objectives eg angling.

This document aims to provide guidance for land managers in managing recreational use of water bodies to minimise negative impacts and maximising positive benefits for visitors. It sets out the visitor management tools that could be used, the respective roles of those engaged in tackling any issues and the monitoring and evidence required by the Park Authority to justify any management interventions.

The same public access rights apply to most inland water as they do to land. Annex 1 provides further detail and outlines the recreational activities which are / are not permitted on water bodies.

Addressing issues

Occasional species or activity disturbance or habitat damage by visitors is almost inevitable and may often be insignificant. However, there is the risk that large scale or repeated disturbance or damage can begin to have a bigger impact. It is in these circumstances that visitor management measures may need to be implemented.

The most appropriate mechanisms to deal with disturbance and habitat damage will depend on local circumstances and thus will need to be addressed on a site-by-site basis. Any management measures should:

- be kept to the minimum area and minimum duration,
- be based on independent, scientific evidence,
- be targeted to relevant visitor user group / behaviour,
- show understanding and sympathy with users, aiming towards building consensus, understanding and trust,
- use clear and effective communication, and
- be flexible – being monitored, reviewed, and updated / removed as required.



Developing management measures

A staged approach should be applied:

Evidence-based evaluation of the issue eg:

Evidence	Evaluation of evidence
Numbers and type of recreational users, how they use the area etc	Benefits / problems that result
Existing visitor infrastructure and management measures	Review of strengths / weaknesses of current provision
Natural heritage interests – key species, conservation importance, sensitivity of habitat, site designations, population counts, evidence of change etc	<ul style="list-style-type: none"> • Type of disturbance eg direct injury, disturbance to breeding etc • Duration (short, medium, long term) • Impacts witnessed • Other causes of disturbance or trends eg weather, disease • Significant trends over time
Other interests eg angling or habitat damage – base data (eg angling days, income), evidence of change, physical damage caused etc	<ul style="list-style-type: none"> • Type of disturbance / damage eg noise, erosion, • Other causes of impacts or trends eg weather, disease, social change • Impacts evidenced • Significant trends over time
Independent / scientific studies eg regarding species disturbance and impacts of activities, growth of certain activities etc	<ul style="list-style-type: none"> • Relevance / application of such evidence to the site / situation

The evaluation should be objective and include any uncertainties and gaps in the evidence base, why the action is considered necessary, and how it will be kept under review.

2. Engage stakeholders, seek advice from the access authority.

The resulting structured assessment from the evaluation should provide a foundation for discussion with others:

- stakeholders – specific user groups, local activity clubs, local communities, national governing sporting bodies eg Paddle Scotland.
- access authority – the access team can ensure that any proposed response is justified with respect to access rights. They can also assist in a mediating role with engagement.



3. Implement and test visitor management techniques.

It is expected least restrictive options are applied initially. Measures should be monitored and evaluated as to their effectiveness before any further restrictive measures are considered.

Suggested visitor management techniques include:

1. Promotion of responsible behaviour*

- Site signage to promote responsible behaviour,
- Direct engagement with people eg via ranger patrols.
- Interpretation provision at visitor centres / car parks.
- Codes of best practice.
- Communications / social media awareness raising.

** produced jointly with appropriate national governing body / local clubs as appropriate.*

2. Site layout and design.

- Positive promotion of areas - creation / waymarking of bankside trails away from sensitive areas, off-lead dog exercise areas, quiet water areas etc
- Identification of preferred water access and egress points
- Segregation – installation of screening and hides to segregate people and wildlife,
- Zoning of water bodies. It is likely any zoning would be seasonal, it should be reasonable in nature (taking due care not to restrict the responsible exercise of access rights), clearly explained onsite, and evaluated annually.
 - Zoning for shared activity use. The water body is zoned into two equal parts eg recreational use on one side and angling on the other.
 - Zoning for wildlife protection. Buffer zones where recreational activities are not permitted might need to be created around eg nesting areas.

3. Promotion of alternate sites.

It may be an option to direct recreational users to an alternate site. There is a risk that this could displace visitors to other sensitive areas, and this should be discussed with the manager / owner of the proposed alternative and the access authority.

Measures should be trialled for an appropriate amount of time, usually at least one season. If the evaluation of the above management measures indicates that there has been no impact on addressing the issue, please contact the access team to discuss next steps.

4. Agreed local guidance / advisory measures

If all the evidence justifies it, consideration can be given to development of specific local guidance. This may involve 'stronger' measures to visitors eg dogs on leads (without 'at heel' option) or direct requests to avoid particular areas altogether or limit numbers at critical times (eg bird breeding season). It may reinforce a zoning approach.

Any proposed guidance should be agreed with the access authority and the Local Outdoor Access Forum (LOAF) prior to implementation. It may also be necessary to



further consult and agree with wider stakeholders; the landowner, statutory bodies eg NatureScot, local user groups / clubs, representative recreational governing bodies eg Paddle Scotland and local communities.

Such guidance should be monitored and reviewed at an appropriate and agreed timescale (usually annually) with updates provided to the access authority / LOAF.

Note: These types of measure are informal in nature and would not have a specific statutory basis under the Land Reform (Scotland) Act 2003*.

This has two implications:

- Any requests to the public would be advisory and should generally not be worded in a directive or instructional way.
- Such measures could, in principle, be open to challenge under the Land Reform (Scotland) Act 2003 if they have not gone through due process, as outlined above, in their development and agreement.

Examples of such voluntary access agreements in place in the Cairngorms National Park include the River Spey local users agreement and Loch Kinord access guidance (further information in Annex 1).

*Ignoring guidance could however be an offence under other legislation if, for example, deliberate or reckless disturbance of a protected species occurred.

5. Formal management measures

Any formal measures eg byelaws would only be considered as a last resort, when all other measures have clearly failed.

Cairngorms National Park Authority role.

The access team can provide advice and guidance related to any access and visitor management issues. They can also assist with practical measures eg provision of signs, ranger patrol support and engaging with stakeholders and the LOAF group.

It is essential to seek advice from the team in their role as the access authority if considering developing any advisory management measures such as access guidance / voluntary agreements.

Contact: outdooraccess@cairngorms.co.uk

Annex 1

The Land Reform (Scotland) Act 2003 provides a statutory right of responsible access to most land and inland water. The Scottish Outdoor Access Code notes that any “references to land should be taken to include inland water”.

Popular recreational water-based activities:



Within access rights	Not within access rights – requires landowner permission
Any recreational water sport, eg: <ul style="list-style-type: none">• Canoeing, kayaking• Rowing• Stand up Paddleboarding (SUP)• Sailing• Wind surfing• Foiling• Swimming / wild swimming• Rafting• Tubing	Any watercraft that is utilising a motor or form of mechanical propulsion (including electric motors), eg: <ul style="list-style-type: none">• Motorboats• Trolling motors on boats• E-foiling• Electric paddleboard motors
Instructors leading water sports lessons, activity providers guiding groups etc	Angling / fishing
	Competitive water sport events / races may require landowner permission depending on the circumstances.

Further info / resources

- Scottish Outdoor Access Code advice - [Wildlife disturbance / Water based activities](#)
- PaddleScotland - [Protecting Our Environment | Paddle Scotland | Scotland](#)
- National Access Forum guidance – [managing public access in areas of wildlife sensitivity.](#)
- Example: Loch Kinord – [Paper presented to the LOAF group regarding access guidance at Loch Kinord](#)
- Guidance booklet – [Using inland water responsibly, guidance for all water users](#)