

# **SOUTH HAMS DISTRICT COUNCIL**

## **KINGSBRIDGE AND SALCOMBE ESTUARY SALCOMBE HARBOUR**

### **LOCAL NATURE RESERVE**

#### **Byelaws**

The South Hams District Council in exercise of the power conferred upon them by Section 20, 21(4) and 106 of the National Parks and Access to the Countryside Act 1949, Section 236 of the Local Government Act 1972 and Section 48A of the Harbours Act 1964 hereby make the following Byelaws for the protection of the local Nature Reserve at the Kingsbridge and Salcombe Estuary in the Parishes of Kingsbridge, East Portlemouth, South Pool, Charleton, West Alvington, Malborough, Frogmore & Sherford and Salcombe in the County of Devon.

1. In these Byelaws:

- (a) "The Reserve" shall mean the pieces or parcels of land containing in the whole 594 hectares or thereabouts and situated in the Parishes of Kingsbridge, East Portlemouth, South Pool, Charleton, West Alvington, Malborough, Frogmore & Sherford and Salcombe in the County of Devon declared to be managed as a local Nature Reserve by the declaration dated the 15th day of November 1993 made by the South Hams District Council in pursuance of Section 21 of the National Parks and Access to the Countryside Act 1949, and the Reserve is for the purpose of identification shown as nearly as may be on the map annexed to these Byelaws and thereon hatched in black;
- (b) "The Protected Area" shall mean the part of the Reserve to the landward (northern) side of a line drawn from Splat Point straight across to Limebury (or Lambury) Point shown for the purpose of identification only marked [A-B] on

the said map, but excluding the part of the Reserve shown coloured black and marked\_C on the said map, also excluding the living space of any vessel;

- (c) "The Council" shall mean the South Hams District Council;
- (d) "Firearm" shall have the same meaning as in Section 57 of the Firearms Act 1968;
- (e) "Person", includes corporation whether aggregate or sole;
- (f) "Foreshore", means the beach and foreshore from time to time situated above the level of mean low water and below the level of mean high water;
- (g) "Cycle", means a bicycle, a tricycle, or a cycle having four or more wheels, not being in any case a motor cycle or motor vehicle;
- (h) "Invalid carriage", means a vehicle, whether mechanically propelled or not, the unladen weight of which does not exceed 150 kilogrammes, the width of which does not exceed 0.85 metres and which has been constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability and is used solely by such a person;
- (i) "Motor cycle", means a mechanically propelled vehicle with less than four wheels and the weight of which unladen does not exceed 410 kilogrammes;
- (j) "Motor vehicle", means a mechanically propelled vehicle, whether or not intended or adapted for use on roads; and
- (k) "Emergency Services", means Police, Maritime and Coastguard Agency, Royal National Lifeboat Institution, H M Customs and Excise, Fire Brigade, Ambulance, or H M Forces acting on behalf of any of the foregoing.

2. Within the Protected Area the following acts are hereby prohibited except insofar as they may be authorised by a permit issued by the Council in accordance with Byelaw

3, or are necessary to the proper execution of his duty by an Officer of the Council or by any person, or servant of any person, employed or authorised by the Council:

(a) Damage to or disturbance of things in the Protected Area

- (i) Taking, molesting or deliberately disturbing, injuring or killing any living creature, or disturbing or causing damage to any bird's nest or eggs;
- (ii) The use of any harpoon, spear or like instrument;
- (iii) Deliberately removing or displacing any tree, shrub or plant or part thereof, including lower plants such as mosses, liver worts, lichens, algae and fungi, rock, natural hard or soft sediment, or any unfashioned mineral thing excluding water;
- (iv) The collection of bait (excluding sand eels) for sale or commercial gain;

PROVIDED THAT (A) nothing in sub-paragraphs 2(a) (i) shall prohibit the taking of shell fish by hand;

(B) nothing in sub-paragraphs 2(a) (i) (ii) or (iii) shall prohibit fishing for sea fish by rod or line, the collection of bait reasonably required for personal use in a manner causing minimum possible harm to the environment, or the removal of encrusting organisms from any artificial or fashioned surface; and

(C) Nothing in sub-paragraph 2(a)(i) shall prohibit the collection of shore peeler crabs or velvet swimming peeler crabs (*Carcinus maenas* or *Necora puber*) by hand for bait from areas authorised by the Council;

(b) Bringing animals and plants into the Protected Area

- (i) Deliberately bringing, or permitting to be brought, into the Protected Area any living creature, or the egg of any living creature, except (in either case) crabs or scallops indigenous to the Reserve, or any plant,

or any seed or any other part of any plant, in such circumstances that it is likely that such creature or plant will reproduce or propagate itself, or such egg will hatch or such seed will germinate;

- (ii) Bringing into, or permitting to remain within, the Protected Area any dog or other animal unless it is kept under close control, and in particular is prevented from worrying or disturbing any animal or bird;
- (iii) Bringing or permitting to be brought into the Protected Area any horse, pony or beast of draught or burden except along (and remaining on) designated rights of way;

(c) Areas of water

Committing any act which pollutes or is likely to cause pollution of any water  
*with the exception of:*

- (i) *The discharge of grey water or sewage from a vessel; or*
- (ii) *Discharges with the written consent of the Environment Agency;*

(d) Use of certain equipment

- (i) Using any device designed or adapted for detecting or locating any metal or mineral in the Protected Area;
- (ii) Using any mechanically propelled remote control model within the Protected Area capable of exceeding any speed restriction for the time being in force there;

(e) Use of firearms etc

- (i) Being in possession of a firearm, with ammunition suitable for use in that firearm, or discharging a firearm or lighting a firework;
- (ii) Projecting any missile manually or by artificial means (including by

means of crossbow, spear gun or catapult);

provided that this shall not preclude the proper use of any lawful distress signal, emergency search-illuminating pyrotechnics or race signalling gun loaded with blank cartridges, the transportation of covered unloaded firearms and separately packaged ammunition between vessel and shore, or wildfowling by members of the Kingsbridge and District Pigeon Shooting Club;

(f) Use of vehicles

- (i) Driving, riding, propelling or leaving any mechanically propelled vehicle (including hovercraft) elsewhere in the Protected Area than on a highway or on a road, or on a place indicated by a notice as being available for the purpose;
- (ii) Riding or driving a cycle, motor cycle or motor vehicle on the foreshore within the Protected Area or bringing or causing to be brought on to the foreshore within the Protected Area a motor cycle or motor vehicle other than an invalid carriage;

PROVIDED THAT nothing in sub-paragraphs 2(f) (i) or (ii) shall prohibit the use of fords being part of the public highway or entry to the foreshore by:

- (a) a motor cycle or motor vehicle belonging to any Emergency Service, or where entry to the foreshore is required for the purpose of any emergency in connection with the saving of life or livestock; or
- (b) a motor vehicle to the extent that its entry to the foreshore is necessary to gain direct access to any slipway for the launching or recovering of any boat or vessel;

(g) General provisions

- (i) Lighting on the foreshore of any fire, stove, heater, barbecue or other appliance capable of causing a fire, other than a stove or lantern incorporating means of control and extinguishment;
- (ii) Letting fall or throwing any lighted match or lighted substance in a manner likely to cause a fire;
- (iii) Depositing any litter, paper, glass, tin or earthenware article (whole or broken), waste material or rubbish of any description in a place other than a receptacle provided for the deposit of litter or refuse;
- (iv) Erecting, occupying or using on the foreshore any tent, shed, caravan or other structure for the purpose of camping;

(h) Interference with duly authorised Officer

Intentionally obstructing any Officer of the Council or any person or the servant of any person employed or authorised by the Council in the execution of any works including research or scientific work connected with the laying out, maintenance or management of the Protected Area.

3. (i) The Council may issue permits authorising any person to do any act or class of act within the Protected Area or any part thereof which would otherwise be unlawful under these Byelaws; and

(ii) Any such permit shall be issued subject to the following conditions:

- (a) That it must be carried whenever a visit is made to the Protected Area and produced for inspection when required by a person duly authorised by the Council in that behalf; and
- (b) That it may be revoked by the Council at any time; and

- (iii) The Council shall not refuse to issue a permit unless refusal can reasonably be justified in terms of the designation, promotion or objectives of the Local Nature Reserve.
4. These Byelaws shall not operate so as to interfere with:
- (i) The exercise or enjoyment by a person of:
    - (a) A right vested in him as owner, lessee or occupier of land in the Protected Area;
    - (b) Any easement or profit à prendre to which he is entitled; and or
    - (c) Any public right of way;
  - (ii) The exercise of any function of a local authority, statutory undertaker, water undertaking, or the Environment Agency or any successor to its statutory functions; or
  - (iii) The exercise by a member of any Emergency Service of the performance of his duty.
5. Nothing in these Byelaws shall affect the operation of any Byelaws made by the Devon Sea Fisheries Committee.
6. Any person who offends against any of these Byelaws shall be liable on summary conviction to a fine not exceeding level 2 as laid down in the Criminal Justice Act and in the case of a continuing offence to a further fine for each day during which the offence continues after the said conviction.

THE COMMON SEAL of the SOUTH )  
HAMS DISTRICT COUNCIL was )  
Hereunto affixed in the presence of: )

Chairman

Authorised Officer

## NOTES

These Notes do not form part of the Byelaws.

1. Litter and Pollution - It is an offence under the Environmental Protection Act 1990 to drop litter in the Protected Area and it is an offence under the Water Resources Act 1991 to cause pollution of a river or coastal waters.
2. Crown Rights - Nothing contained in any of these Byelaws shall be deemed to be or shall operate as a grant by or on behalf of the Duchy or Cornwall as owner of the foreshore and sea bed below the level of high water of any estate or interest in or right over such foreshore sea bed or any part thereof nor shall anything contained in or done under the provisions of these Byelaws in any respect prejudice or injuriously affect the rights and interest of the Duchy of Cornwall in such foreshore or sea bed.
3. Standard Scale of Fines - The Criminal Justice Act 1982 (as amended) provides for a standard scale of fines for summary offences. At the time these Byelaws were confirmed the relevant level was:-

Level 2 - £500.00

This sum may be altered by further statutory orders from time to time.