



D&S IFCA, Brixham Laboratory, Freshwater Quarry, Brixham, TQ5 8BA

14<sup>th</sup> January 2024

**RESPONSE TO THE FORMAL PUBLIC CONSULTATION on proposed amendments to existing commercial and recreational Netting Permit Conditions FROM THE SOUTH HAMS SOCIETY**

The South Hams Society interest

For the last 60 years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the South Devon Area of Outstanding Natural Beauty very seriously and work hard to increase people's knowledge and appreciation of our precious environment.

The South Hams Society wishes to comment on and object to the proposed changes:

***Proposed Changes: Commercial fishermen using nets.***

- ***The opening of a six-month fixed net fishery within Salcombe Estuary (subject to range of management measures).***

***Proposed Changes: Recreational fishermen using nets.***

- ***This includes a series of changes including the introduction of bag limits, an increase in the authorised net length, and requirements relating to combining nets (from a single vessel).***

The Society **strongly oppose the introduction of net fishing within the Salcombe Estuary.**

It is our view that there is no (legal) tradition of fixed net fishing within the Salcombe Harbour.

To support that statement we refer you to the following report available at:

<https://www.cefas.co.uk/publications/techrep/tech106.pdf>

And in particular the paragraph on page 7 which we include for ease of review.

(The report is dated 1997).

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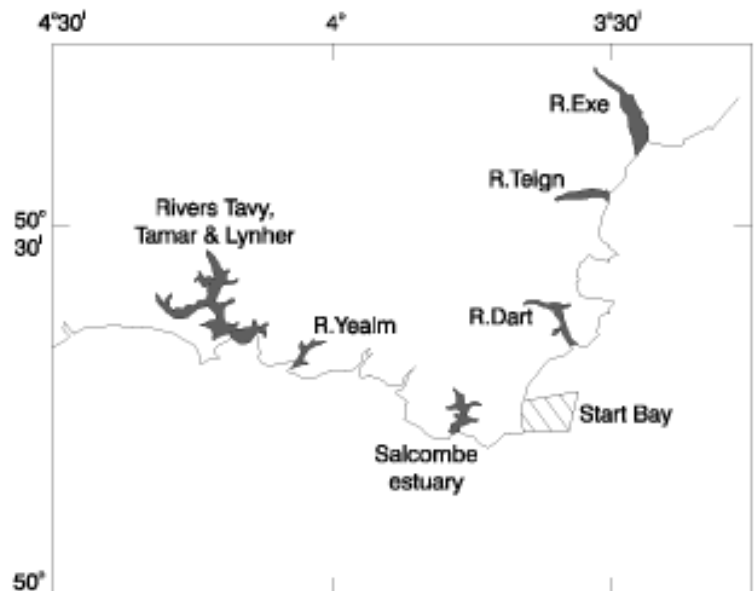
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**A review of closed areas in the  
United Kingdom Exclusive Economic Zone**

S. I. Rogers

Science Series  
Technical Report No. 106

Neither trawling nor fixed net fishing is permitted within the estuaries of the Rivers Exe, Teign, Dart, Yealm, at Salcombe, and within the breakwater at Plymouth Sound including the estuaries of the Rivers Tavy, Tamar and Lynher (Figure 4). This byelaw has been in force since at least the 1940s to manage the exploitation of a range of commercial species, particularly salmonids. In the River Tamar and its estuaries, the River Plym and the River Yealm, there is additional bass nursery area legislation in force which prevents all fishing for bass from vessels. The southern part of Start Bay in Devon has been closed to trawling for at least 50 years to protect the crab population (Figure 4).



**Figure 4. The area in Start Bay where trawling is prohibited, and other restrictions on trawling and fixed net fishing in estuaries of the south-west**

The Society also refer you to the D&S IFCA Final Access Report 2017.

<https://www.devonandsevernifca.gov.uk/wp-content/uploads/2023/09/PFeb17FinalAccessReport.pdf>



**Access for netting within  
estuaries & the decision  
making process**

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*D&SIFCA replaced Devon Sea Fisheries Committee. Legacy measures are the old inherited Sea Fisheries and EA byelaws. There are several that relate to netting or species that can be taken within nets. Legacy byelaw measures generally focus on restricting where nets can be placed and what types of nets can be used in different locations. Restrictions apply to nets at sea and also within estuaries.*

*The restrictions in the legacy measures act as part of an overall package to control the activity of netting and therefore fishers are already restricted in what they can and can't do with nets. These older byelaws, along with EU and Domestic legislation, provided the base to begin reviewing the control of netting activity.*

Legacy access to estuaries within the District is show below:

<b>River/Estuary</b>	<b>Netting Restriction</b>	<b>Bass Nursery Area?</b>	<b>Bass Closure Dates</b>
Axe	No fixed nets	No	
Otter	No fixed nets	No	
Exe	No fixed nets	Yes	30th April to 1st Nov
	No drift nets		
Teign	No fixed nets	Yes	30th April to 1st Nov
Dart	No fixed nets	Yes	30th April to 1st Jan
Salcombe	No fixed nets	Yes	30th April to 1st Jan
Avon	No fixed nets	Yes	30th April to 1st Jan
Erme	No fixed nets	No	
Yealm	No fixed nets	Yes	30th April to 1st Jan
	No drift nets		
Tavy	No fixed nets No drift nets	Yes (all)	All year
Plym	No fixed nets No drift nets		
Tamar	No fixed nets No drift nets		

The Final Report - 26th September 2018 included the following section on the Salcombe/Kingsbridge Estuary:



## The Development of the Netting Permit Byelaw

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### Salcombe/Kingsbridge Estuary

A total of four objections (including one from an organisation) were received in the formal consultation period that related to the Salcombe and Kingsbridge estuary. All four responses focussed on this estuary alone, rather than other estuaries within the district. One response objected to the proposed size of commercial seine nets rather than exclusions of drift and fixed nets from the estuary. The fact that Salcombe is a ria and therefore offered different considerations in relation to the conservation of migratory species was recognised by members.

The Authority have taken the view that data supplied within this consultation has not added significantly to the quality of data already detailed within the Impact Assessment that has been used to better determine economic impact the proposals would have on stakeholders. Only one objecting stakeholder submitted data relating to catches taken within the Salcombe and Kingsbridge estuary for the period 2000 to 2010, although the Authority can't validate this submitted data and therefore cannot consider it to be completely beyond dispute. Although catch data for a ten year period has been submitted, the increased minimum conservation reference size for bass of 42cm would potentially reduce earnings due to a more limited available stock of fish at or above this length. The Authority recognise that this stakeholder had not fished the area so frequently in recent times due to his concern that a traditional netting method has been determined by the Authority to be a fixed net and therefore illegal under current and proposed definitions. The objector also pointed out that there was less opportunity to fish due to the presence of illegal netters from Plymouth.

The Authority have evidence that this stakeholder is diverse in his fishing operations and the Authority do not consider this stakeholder to be financially dependent on estuary netting for the majority of his income. No other stakeholders based their objections on financial dependency of netting within the Salcombe/Kingsbridge estuary. The value of retaining the tradition of netting within this estuary was raised by this individual stakeholder and amongst the objection responses. Alternative suggestions were made that included limitation of permits and limited seasonal access.

As with the Taw Torridge discussions, scientific data within the Impact assessment was referred to by members formulating recommendations. Many of the responses received during the consultation raised concern over bass stocks and this was seen as a significant theme in their support of the proposed D&SIFCA Netting Permit Byelaw. Scientific data within the Impact assessment was referred to by members formulating recommendations. Bass stocks are reported to be below the minimum acceptable (safe) limits and therefore at significant risk

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<sup>33</sup> Section 153 Marine and Coastal Access Act 2009

of non-recovery. The European Commission's proposals for the management of bass during 2017 are that there should be no netting to target this species. The D&SIFCA Byelaw and Permitting Sub-Committee take the view that the increase in the minimum conservation reference size of bass to 42cm has already reduced availability of legal size bass within the estuary and continued access to estuary netting for mullet will promote discarding of bass, as mullet and bass stocks are impossible to target separately within the confines of an estuary. In addition, the Authority takes the view that in the past some fishers have targeted mullet as a means to continue to illegally take bass from estuaries.

The Authority has identified key objectives that this proposed byelaw is expected to deliver which includes seeking to balance the different needs of fishers and has to recognise the significant quantity of supportive responses received throughout the process. D&SIFCA has to meet its statutory duties<sup>34</sup> and has documented the rationale for this byelaw work within the Impact Assessment. The recognition and development of other sectors such as recreational sea angling is part of this process along with the conservation of sea fish and taking responsibility for the public resource by seeking to balance the needs of different sectors.

In making its recommendations, the Authority accepts that Salcombe is a ria and therefore in comparison to other estuaries, netting within Salcombe estuary presents less risk to Salmon. In addition, sea trout (if present) would be found in significantly less quantities. In conclusion the considerations relevant for netting within the Salcombe/Kingsbridge estuary were not different enough for the Authority to recommend changes to the proposals.

In particular the Society would like to draw attention to the points made by the D&S IFCA Final Access Report 2017, namely: *continued access to estuary netting for mullet will promote discarding of bass, as mullet and bass stocks are impossible to target separately within the confines of an estuary. In addition, the Authority takes the view that in the past some fishers have targeted mullet as a means to continue to illegally take bass from estuaries.*

Referring to

***Section 1: Changes Relevant to Commercial Netting Activity (Category One Netting Permits)***

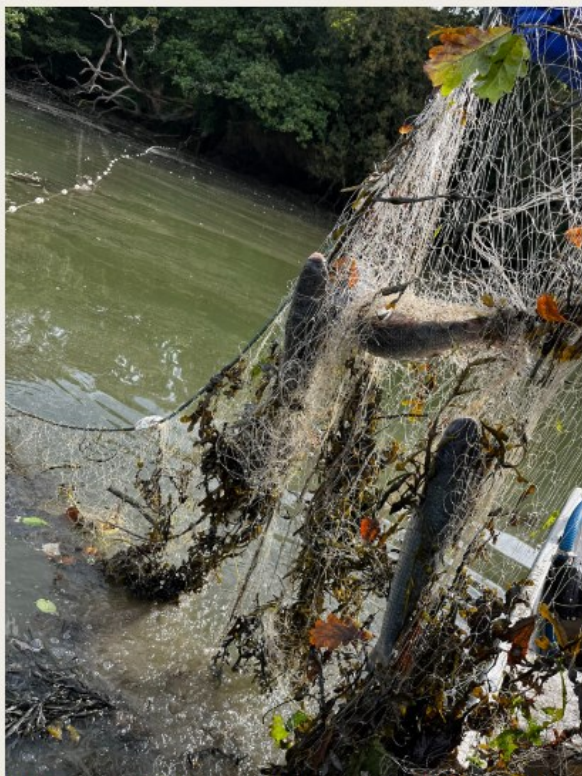
*The current Netting Permit Conditions (introduced in 2018) define the extent of this estuary and to the landward of the closing line (Splat Cove Point to Limebury Point) no fixed or drift netting is permitted.*

It is far from clear there was ever a net fishing permit for the Salcombe Estuary in 2018 or that any net fishing occurred in the Salcombe to Kingsbridge harbour prior to 2018 (other than illegal netting).

The Society are also of the opinion that net fishing rules will be difficult if not impossible to control and enforce.

## **D&S IFCA'S ENFORCEMENT OFFICERS RECOVER ILLEGAL NET FROM BOWCOMBE CREEK.**

On Friday 22nd September, a report was received by D&S IFCA regarding a net that had been set in Bowcombe Creek, Kingsbridge. Officers made a site visit and established that the net spanned across the creek (east to west) above New Bridge. The net was seen to be secured to tree roots on the East bank of the creek and extended two thirds of the way across the creek.



Nets (as defined) can only be used in the District in accordance with a permit.

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## Recovery of the Net



On Saturday 23<sup>rd</sup> September Officers had sufficient equipment available to recover the illegal net which measured approximately 150 metres in length.

There were no identifying features on the net, however based on the size and type of the net, and the fact it was also anchored to a scallop tooth bar, it is thought that the net was set by a commercial fisherman.

Those engaged in illegal netting are known to travel across the Southwest to fish and based on Officers' experience it is highly likely that the net had been deployed by fishers that were not local to the Salcombe area.

The net contained a large amount of flotsam as well as dead fish.

Officers removed 47 grey mullet and 17 bass from the net.

Most of the bass that were removed from the net were below 42 cm in length (the Minimum Conservation Reference Size).

### Investigations & Enforcement Action

Given the location of the net being set in a quite prominent location, easily visible from the road/walkway in an area of relatively heavy footfall, it is believed that the net was most

likely set on Thursday 21<sup>st</sup> September. High water that evening was at 22.21hrs. Officers conducted an extensive investigation, including trying to obtain CCTV footage of value. On this occasion the person who set the net was not identified and the net and dead fish have now been disposed of. Patrols of the Salcombe - Kingsbridge Estuary will continue as part of an intelligence led and risk-based approach to enforcement.

If you see any suspicious fishing activity, please report it to us on the duty telephone number: **07740 175479**. You can also email: [intel@devonandsevernifca.gov.uk](mailto:intel@devonandsevernifca.gov.uk)

While it was easy for the general public to identify that illegal net fishing was taking place within the estuary, this would no longer be the case.

Again it is notable that the authorities have failed to identify those responsible.

In addition we believe that net fishing is not a recreational sport.

Much of the estuary confines consists of shallow water mudflats with small deeper channels from the various creeks. It appears to the Society that this proposal is unrestricted throughout the proposed area and no environmental impact assessment has been presented that supports the proposals and confirms that net fishing will not harm the special interests of the SSSI.

Certainly no assessment appears to have been made as to whether vessels six metres in length can successfully navigate the entire Estuary with no danger of any resulting ecological or environmental damage.

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The Society would also be keen to understand why the D&S IFCA believe it to be acceptable to ignore the Local Nature Reserve byelaws and the SSSI citation operations which were introduced to protect the exceptional local nature reserve?

The SALCOMBE TO KINGSBRIDGE ESTUARY was designated a SSSI on the 6<sup>th</sup> February 1987 and a Local Nature Reserve (LNR) on the 15<sup>th</sup> November 1993.

The following link provides Natural England's information for the SSSI:

<https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=s1002041>

The Society provide the SSSI Citation and the associated list of operations likely to damage the special interest.

Items (10), (16a), (16b) and (26) on SSSI operations likely to damage the special interest are applicable.

The Society also provide a copy of the South Hams District Council LNR Byelaw.



SITE NOTIFIED TO THE SECRETARY OF STATE ON 6 FEBRUARY 1987

CITATION

COUNTY: DEVON      SITE NAME: SALCOMBE TO KINGSBRIDGE ESTUARY

DISTRICT: SOUTH HAMS

Status: Site of Special Scientific Interest (SSSI) notified under Section 28 of the Wildlife and Countryside Act 1981 as amended

Local Planning Authority: DEVON COUNTY COUNCIL, South Hams District Council

National Grid Reference: SX 746406      Area: 651.5 (ha.) 1609.9 (ac.)

Ordnance Survey Sheet: 1:50,000: 202      1:10,000: SX 73 NW & NE; SX 74 SW & SE

Date Notified (Under 1949 Act): –      Date of Last Revision: –

Date Notified (Under 1981 Act): 1987      Date of Last Revision: –

Other Information:

A new site. The site lies within South Devon Area of Outstanding Natural Beauty.

Description and Reasons for Notification:

The Salcombe-Kingsbridge Estuary possesses a very rich and diverse intertidal and sub-tidal flora and invertebrate fauna, with certain communities being outstanding examples of their type in the North-east Atlantic.

Originally an unglaciated river valley, the Estuary has been partly drowned following the post-glacial rise in sea level, and is now a sheltered marine inlet or 'ria'. The lower estuary is partially separated from the open sea by a submerged sandbar and is characterised by rocks and sandy bays, while the upper estuary comprises mainly intertidal mudflats. The streams flowing into the creek heads are small and over the majority of the estuary marine conditions prevail so that many truly marine plants and animals are found which seldom occur intertidally in estuaries elsewhere.

The majority of the upper estuary intertidal area comprises soft sediments, colonized in parts by green algae *Enteromorpha* and *Ulva* spp. and bordered by brown algae *Fucus* spp. The sediments, although generally exposed to underwater currents, are sheltered from wave action so that some, particularly around the Salt Stone, support exceptionally rich invertebrate faunas. These include large populations of tube-living and burrowing worms, burrowing bivalves, and beds of the Daisy Anemone *Cereus pedunculatus*. On muds and gravels extensive growths of sponges such as *Hymeniacidon perleve* and *Halichondria bowerbanki* have developed, in turn colonized by a wide range of species including the sea squirt *Phallusia mamillata*. At and below the low water mark populations of the Proboscis Worm *Golfingia elongata* and the burrowing crustaceans *Upogebia deltaura* and *Callianassa* spp. occur in silty sand, and the Angular Crab

*Goneplax angulata* in sandy mud, while small stones are frequently colonized by sea squirts.

The sand and mud of the lower shore along both sides of Salcombe Harbour, particularly at Hill Bay and Ditch End Cove, support communities extremely rich in burrowing fauna and there is a long history of study here. At and below low water mark the sand is colonized extensively in places by Eel-grass *Zostera marina* and by the Sea Potato *Echinocardium cordatum* with its commensal bivalve *Montacuta ferruginosa*.

The rocky shores of the estuary support communities typical of sheltered mouth-of-the-estuary conditions, but are particularly rich in marine algae. The Salt Stone is one of the few British localities for the red alga *Chondria coerulescens*, and Castle Rocks possess an exceptional flora which include the kelp *Laminaria ochroleuca* and, among red algae, *Gracilaria foliifera* and all four British species of *Gigartina*. The overhangs and gullies of the Castle Rocks support a rich fauna including the cowry *Trivia arctica*, the Sea Gerkin *Cucumaria saxicola* and many sponges and crustacea.

The bed of the main channel from the entrance to Salcombe Harbour to the Salt Stone is of mixed sediments with stones and shells. The communities present are very rich in algae and animals, including several rare or unusual species. At Snapes Point and Scoble Point broken rock surfaces extend into deep water and are colonized by typical ria communities.

At the heads of the tributary creeks small areas of saltmarsh occur. This saltmarsh is in an early stage of development, with the flora dominated by Sea Aster *Aster tripolium*, Common Saltmarsh-grass *Puccinellia maritima* and Sea Plantain *Plantago maritima*.

The estuary is used as an overwintering ground by large numbers of wildfowl such as Wigeon *Anas penelope*, Teal *A. cracca* and Shelduck *Tadorna tadorna* and the intertidal mudflats are important feeding grounds for passage waders. West Charleton Marsh, separated from the estuary by a sea wall, is used for roosting and feeding by a variety of waders and wildfowl at high tide.

## Operations likely to damage the special interest

Site name: Salcombe to Kingsbridge Estuary

OLD1002041

Ref. No.	Type of Operation
1	Cultivation, including ploughing, rotovating, harrowing, and re-seeding.
2	Grazing.
3	Stock feeding.
4	The introduction of mowing or other methods of cutting vegetation.
5	Application of manure, fertilisers and lime.
6	Application of pesticides, including herbicides (weedkillers).
7	Dumping, spreading or discharge of any materials.
8	Burning.
9	The release into the site of any wild, feral or domestic animal*, plant or seed.
10	The killing or removal of any wild animal*, including pest control.
11	The destruction, displacement, removal or cutting of any plant, including herbs.
12	The introduction of tree or woodland management including afforestation and planting.
13a	Drainage (including the use of mole, tile, tunnel or other artificial drains).
13b	Modification of the structure of watercourses (eg rivers, streams, springs), including their banks and beds, as by re-alignment, re-grading and dredging.
13c	Management of aquatic and bank vegetation for drainage purposes.
14	The changing of water levels and tables and water utilisation (including irrigation, storage and abstraction from existing water bodies and through boreholes).
15	Infilling of ponds, pools, marshes or pits.
16a	The introduction of or changes in freshwater fishery production and management, including sporting fishing and angling.
16b	The introduction of or changes in coastal fishing practice or fisheries management and seafood or marine life collection, including the use of traps or fish cages.
17	Reclamation of land from sea, estuary or marsh.
18	Bait digging in intertidal areas.
19	Erection of sea defences or coast protection works, including cliff or landslip drainage or stabilisation measures.
20	Extraction of minerals, including shingle, sand and gravel, shells and spoil.
21	Construction, removal or destruction of roads, tracks, walls, fences, hardstands, banks, ditches or other earthworks, or the laying, maintenance or removal of pipelines and cables, above or below ground.
22	Storage of materials.
23	Erection of permanent or temporary structures, or the undertaking of engineering works, including drilling.
26	Use of vehicles or craft likely to damage or disturb features of interest.
27	Recreational or other activities likely to damage features of interest.
28	The introduction of or changes in game and waterfowl management and hunting practice.

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\* 'animal' includes any mammal, reptile, amphibian, bird, fish or invertebrate.

# **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) A 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 AA-B on the said map, but excluding the part of the Reserve shown coloured black and marked

- A 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) A Person includes corporation whether aggregate or sole;
  - (f) A 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) A 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) A 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) A Motor cycle means a mechanically propelled vehicle with less than four wheels and the weight of which unladen does not exceed 410 kilogrammes;
  - (j) A Motor vehicle means a mechanically propelled vehicle, whether or not intended or adapted for use on roads; and
  - (k) A 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 birds 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, speargun 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.

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L/RDH/MT/00376  
22/05/01

The Society considers that the Salcombe to Kingsbridge Estuary SSSI and LNR conservation aims are incompatible with the introduction of net fishing.

For and on behalf of the South Hams Society,

Richard Howell

Chairman.

**Charity No 263985**

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**[www.southhamssociety.org](http://www.southhamssociety.org) | [www.facebook.com/SouthHamsSociety/](https://www.facebook.com/SouthHamsSociety/)**