

Dartmoor National Park Byelaws Consultation: Draft response for discussion at the DAF meeting on 02 November 2021

<p>Current wording of Byelaws</p> <p><u>1 Interpretation</u></p> <p>In the construction of these byelaws “the Authority” means Devon County Council acting in its capacity as Dartmoor National Park Authority and “access land” shall be all that land: (i) defined as “the commons” in Section 2 of the Dartmoor Commons Act 1985 and (ii) land within the Dartmoor National Park to which the public has access by virtue of the Authority having an interest in that land and which is more particularly identified in Schedule 1 to these byelaws.</p>	<p>Suggested new wording for Byelaws (changes have been highlighted in bold)</p> <p><u>1 Interpretation</u></p> <p>In the construction of these byelaws “the Authority” means Dartmoor National Park Authority and “Access Land” shall be land: (i) defined as “the commons” in Section 2 of the Dartmoor Commons Act 1985; and/or (ii) defined as “access land” in Section 1(1) and Section 16 of the Countryside and Rights of Way Act 2000; and/or (iii) land within the Dartmoor National Park to which the public has access by virtue of the Authority having an interest in that land and which is more particularly identified in Schedule 1 to these byelaws</p>	<p><i>DAF T & F Group Proposed Response to suggested new wording for Byelaws (response in italics) to be considered at full DAF Meeting on 2 November 2021.</i></p> <p><i>Noted that the current wording of Byelaws was written in 1989 and that the suggested new wording takes into account the definition of “access land” in Section 1 (1) and Section 16 of the Countryside and Rights of Way Act 2000.</i></p>
<p><u>2 Extent of Byelaws</u></p> <p>Nothing in these byelaws shall apply to: (i) any act done in pursuance of the exercise of any right of common; or (ii) the owner of any part of the access land as respects any act done on that part by him or by any person acting with his consent (and the consent of the Authority where necessary to accord with byelaws 15, 16, 17, 18 and 19).</p>	<p><u>2 Extent of Byelaws</u></p> <p>Nothing in these byelaws shall apply to: (i) any act done in pursuance of the exercise of any right of common (ii) the owner of any part of the Access Land as respects any act done on that part by him or by any person acting with his consent and the consent of the Authority where necessary to accord with Byelaw 12, 7(i) 16, 17, 18,19 (ii) 20</p>	<p><i>Noted that Byelaw 7(i) relates to provision in respect of camping and discussed under that item.</i></p>
	<p><u>3 Revocation</u></p> <p>The Byelaws made by Devon County Council (acting as Park Authority for Dartmoor National Park) on 17 April 1989 and confirmed by the Home Secretary relating to the Access Land are hereby revoked.</p>	<p><i>Noted</i></p>

Dartmoor National Park Byelaws Consultation: Draft response for discussion at the DAF meeting on 02 November 2021

<p>4 Vehicles</p> <p>No person shall without reasonable excuse drive, ride or propel any mechanically propelled vehicle or any pedal vehicle on any part of the access land where there is no right of way for that class of vehicle.</p> <p>The right to park a vehicle within 13.75 metres of a road contained in Section 34 Road Traffic Act 1988 shall not apply to those verges where the Authority has erected signs indicating that parking off the highway at those points is prohibited.</p> <p>(Removed and covered in revised Byelaw 4 below)</p> <p>This byelaw shall not extend to invalid carriages.</p> <p>If the Authority has set apart a space on the access land for use by vehicles of any class, this byelaw shall not prevent the riding or driving of those vehicles in the space so set apart, or on a direct route between it and the public road.</p> <p>In this byelaw:</p> <p>“cycle” means bicycle, a tricycle or a cycle having four or more wheels not being in any case a motorcycle or motor vehicle; “Invalid carriage” means a vehicle, whether mechanically propelled or not, the unladen weight of which does not exceed 150 kilograms, 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; “motorcycle” means a mechanically propelled vehicle not being an invalid carriage with fewer than four wheels and the weight of which unladen does not exceed 410 kilograms; “motor vehicle” means a mechanically propelled vehicle not being an invalid carriage intended or adapted for use on roads.</p>	<p><u>4 Vehicles</u></p> <p><i>No person shall without reasonable excuse drive, ride or propel any mechanically propelled vehicle or any pedal propelled vehicle on any part of the Access Land other than on a highway where there is a right of way for that class of vehicle.</i></p> <p><i>If the Authority has set apart a space on the Access Land for use by vehicles of any class, this byelaw shall not prevent the riding or driving of those vehicles in the space so set apart, or on a direct route between it and the highway.</i></p> <p><i>This byelaw shall not extend to mobility scooters or powered wheelchairs (together known legally as ‘invalid carriages’). “Invalid carriage” means a vehicle, whether mechanically propelled or not, the unladen weight of which does not exceed 150 kilograms, 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></p>	<p>Following discussion it was noted that a “set apart space” included signed car parking areas.</p> <p>It is understood that “mechanically propelled vehicles or any pedal propelled vehicles” includes electric bicycles and scooters. For the sake of clarity, this could be made clearer in the proposed wording.</p> <p>It was noted that the weight and width in respect of mobility scooters or powered wheelchairs (known legally as ‘invalid carriages’) remained as in 1989 despite the dimensions and scope of such vehicles having improved in terms of power, range and traction in recent years. The reference to physical “defects” is lacking in sensitivity and perhaps language no longer appropriate.</p>
---	---	--

Dartmoor National Park Byelaws Consultation: Draft response for discussion at the DAF meeting on 02 November 2021

<p>4 Parking No person shall without reasonable excuse park or knowingly cause to remain on the access land a caravan or trailer unattached to a towing vehicle, except on any area which is set apart and indicated by notice as a place where the parking of such caravans or trailers is permitted.</p>	<p><u>5 Parking</u> <i>(i) The parking of a vehicle is not permitted on those verges where the Authority has erected signs indicating that parking off the highway at those points is prohibited.</i> <i>(ii) No person shall without reasonable excuse park or cause to remain on the Access Land a caravan or trailer attached or unattached to a towing vehicle, except on any area which is set apart and indicated by notice as a place where the parking of such caravans or trailers is permitted</i> <i>(iii) Between the hours of 9pm and 9am no person shall occupy or sleep in any mechanically propelled vehicle, caravan or trailer parked on Access Land.</i> <i>(iv) No person shall park any mechanically propelled vehicle on Access Land in such a manner as to impede the flow of agricultural traffic or livestock, to block (in whole or part) gateways or cattlegrid side gate entrances that are not on the highway.</i></p>	<p><i>5 (i) needs clarification. DAF Members have received numerous expressions of concern about the “littering” of the Moor with the “yellow signs” prohibiting overnight parking of motorhomes, caravans and camper vans. The use of granite boulders on grass verges is preferable to too many signs.</i> <i>Concern was expressed as to how these Byelaws could be enforced. Wording such as in 7(iv) is easily open to misinterpretation. Convictions dependent on quality of evidence!</i> <i>It was suggested that people should be better informed, perhaps on DNPA website, and Information Centres and on social media, as to why people should not park away from the highway, damage the land or disturb livestock, wildlife and those who live/work on the Moor, e.g. protecting the environment and securing improved biodiversity.</i></p>
<p>5 Repairs of Vehicles No person shall clean, paint or carry out repairs on any vehicle parked on the access land except in the event of an accident, breakdown or other emergency.</p>	<p><u>6 Repairs of Vehicles</u> <i>No person shall clean, paint or carry out repairs on any vehicle parked on the access land except in the event of an accident, breakdown or other emergency.</i></p>	<p><i>No change.</i></p>

Dartmoor National Park Byelaws Consultation: Draft response for discussion at the DAF meeting on 02 November 2021

<p>6 Camping</p> <p>No person shall knowingly use any vehicle, including a caravan or any structure other than a tent for the purpose of camping on the access land or land set out for the use or parking of vehicles except on any area which may be set apart and indicated by notice as a place where such camping is permitted.</p> <p>No person shall knowingly erect a tent on the access land for the purpose of camping:</p> <p>(a) in any area listed in Schedule 2 to these byelaws;</p> <p>(b) within 100 metres of any public road or in any enclosure.</p> <p>No person shall camp in a tent on the same site on the access land for more than two consecutive nights, except on any area which may be set apart and indicated by notice as a place where such camping is permitted.</p>	<p>7 Camping</p> <p>No person shall camp on the Access Land other than in accordance with the provisions of this section. For the avoidance of doubt:</p> <p>(i) Camping is only permitted in single person bivouacs or in tents that sleep no more than 3 people and can be carried in a backpack and in groups of no more than 6 people; This byelaw does not apply to agreed expeditions who have written permission from the owner of the land and the Authority;</p> <p>(ii) No person shall erect or use any tent, hammock, tarpaulin or other temporary structure that requires support by cords or bands placed on trees.</p> <p>(iii) Camping is only permitted in the areas as detailed in the Camping Map which shall be (1) published on the Authority's website and (2) available for inspection at the Dartmoor National Park visitor centres and at the headquarters of the Authority and (3) amended from time to time after approval by the National Park Authority at a public meeting; and</p> <p>(iv) No person shall camp in a tent for more than 2 consecutive nights at the same location.</p>	<p><i>DAF Members questioned the removal of "100 metres" from Clause 6(b). Explanation of the need to future proof the revised Byelaws would help people to understand the reasoning. Tell people why areas such as Teign over Clapper and Huntingford Cross are being removed as permitted camping areas. The wording of this clause had promoted the greatest concern (both opposing and supportive), particularly to wild campers who were concerned that the Authority is banning wild camping. The Recreation Officer explained that this is not the case. The Authority is removing some small areas (approx. 8%) from the permitted wild camping map in order to protect those areas from over use and prevent problems caused by fly camping. DAF Members emphasised that the reasoning should be explained in the Byelaws.</i></p> <p><i>DAF Members shared anecdotal evidence of illegal camping on the Moor throughout the pandemic and were concerned that social media promotes the "use" of open Moor for groups of multiple single person tents. Breaches of the Byelaw should be visibly enforced. Quality of evidence.</i></p> <p><i>It was noted that this Byelaw does not apply to agreed expeditions such as Duke of Edinburgh Award or Ten Tors Teams. Concern was expressed at the apparent lack of communication between D of E expedition organisers and DNPA. There seems to be no line of communication between DofE National and DNPA to discuss numbers or location for expedition group campsites who arrive unannounced from all over the UK.</i></p> <p><i>Clarification. How can "same location" be defined?</i></p>
---	---	--

Dartmoor National Park Byelaws Consultation: Draft response for discussion at the DAF meeting on 02 November 2021

<p>7 Water No person shall knowingly cause or permit the flow of any watercourse, leat or drain on the access land to be obstructed or diverted or interfere with any sluice gate or similar apparatus on the access land.</p>	<p>8 Water No person shall knowingly cause or permit the flow of any watercourse, leat or drain on the access land to be obstructed or diverted or interfere with any sluice gate or similar apparatus on the access land.</p>	<p><i>No change.</i></p>
<p>8 Fires No person shall light a fire on the access land, or place or throw or let fall a lighted match or any other thing so as to be likely to cause a fire. This byelaw shall not prevent the lighting or use in such a manner as not to cause danger of or damage by fire of a properly constructed camping stove or cooker.</p>	<p>9 Fires (i) No person shall light or tend a fire on the Access Land, or place or throw or let fall a lighted match or any other thing so as to be likely to cause a fire. (iii) This byelaw shall not prevent the use of a camping stove manufactured as a camping stove or cooker, provided it is used in such a manner as not to cause danger of or damage by fire. (iii) The use of barbecues, including disposable barbecues whether manufactured as such or otherwise, is not permitted anywhere on the Access Land if it is used in such a manner as to cause fire, damage or harm to the land or vegetation or when the Fire Severity Index reaches High or at other such times when directed by signs. (iv) No person shall gather any material from the Access Land to use as fuel for any fire. (iv) No person shall launch either Chinese Lanterns, fireworks or flares from the Access Land.</p>	<p><i>This Byelaw subsection now includes the word “tend” for clarification to include not just the person holding the fire lighter. Supported.</i></p> <p><i>9 (iii) needs clarification. Barbecues permitted or not? It was hoped that so called ‘disposable’ barbecues would soon be banned.</i></p> <p><i>9(iv) The wording should be “sky lanterns” NOT “Chinese Lanterns”.</i></p>

Dartmoor National Park Byelaws Consultation: Draft response for discussion at the DAF meeting on 02 November 2021

<p>9 Dogs Every person in charge of a dog on the access land shall as far as is reasonably practicable keep the dog under close control and restrain the dog from behaviour giving reasonable grounds for annoyance. Every person in charge of a dog on the access land shall, as far as is reasonably practicable, comply with a direction given by a Ranger or other officer of the Authority to keep the dog on a lead. A direction under paragraph 2 above may only be given if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any person on the access land or the worrying or disturbance of any animal or bird.</p> <p>10 Feeding of Animals No person on the access land shall feed or permit to be fed any animal lawfully grazed upon the land. Notice of the effect of this byelaw shall be given by signs placed in such positions as the Authority may consider adequate to inform persons on the access land.</p>	<p>10 Dogs (i) No person in charge of any dog shall permit any dog to disturb or worry any stock or wildlife or cause any nuisance or annoyance to any person on the Access Land. (ii) No person in charge of any dog shall cause or allow a dog to be exercised other than under close control and, if directed to do so by a Ranger, must keep any dog on a lead. (iii) Between 1 March and 31 July each year all dogs have to be kept on a short lead of no more than 2 metres in length (iv) No single person shall bring more than 6 dogs on to the Access Land at any one time. “Dog” shall exclude police dogs, search and rescue dogs, guide or assistance dogs and any dog that is working on the Access Land with the consent of the landowner.</p> <p>11 Feeding of Animals No person other than the owner of any animal or the owner’s authorised agent shall feed or permit to be fed any animal lawfully grazing on the Access Land.</p>	<p><i>Supported on the understanding that the new clause brings this Byelaw into line with limits set by other local authorities and insurance limits for professional dog walkers and that “no more than 2 metres in length” is in line with the guidance for access land dedicated under the Countryside and Rights of Way Act 2000, ensuring that there is consistency across all open access land on Dartmoor for dog walking. The subject of a licence required by professional dog walkers was discussed and agreed not appropriate at this time if the revised Byelaw is respected.</i></p> <p><i>Supported.</i></p>
--	---	---

Dartmoor National Park Byelaws Consultation: Draft response for discussion at the DAF meeting on 02 November 2021

<p>11 Racehorses No person shall ride, train or exercise racehorses on an area of access land where the Authority has given a direction to the owner, trainer or rider of those racehorses that that area is not to be used for that purpose.</p>	<p><u>11 Racehorses</u> No person shall ride, train or exercise racehorses on the Access Land unless the owner of the land and the Authority has given written permission.</p>	<p><i>No change.</i></p>
<p>12 Protection of Wildlife No person shall without lawful excuse or authority on the access land, kill, molest or intentionally disturb any animal or engage in hunting, shooting or fishing or the setting of traps or nets or the laying of snares.</p>	<p><u>13 Protection of Wildlife</u> No person shall without lawful excuse or authority: (i) intentionally or recklessly take, kill, injure or disturb any wild animal, bird or fish; intentionally or recklessly take, damage or destroy any eggs or nests. (ii) engage in any operations of or connected with hunting, shooting, fishing, trapping, snaring, taking or destroying of animals, birds or fish or have with them any engine, instrument or apparatus used for hunting, shooting, fishing, trapping, snaring, taking or destroying animals, birds or fish.</p>	<p><i>It was suggested that the word “reasonable”, should replace “lawful”. Perhaps “reasonable excuse or lawful authority” as used in Clause 15 below.</i></p>
<p>13 Firearms and Projectiles No person shall: discharge on the access land without lawful authority any firearm, air weapon or crossbow; or release any projectile or throw any missile on the access land to the danger of any other person or so as to give reasonable grounds for annoyance; or drive, chip or pitch a hard golf ball on any area of the access land listed in Schedule 2 to these byelaws down to and including Plasterdown or on any other area of access land so as to give reasonable grounds for annoyance.</p>	<p><u>14 Firearms and projectiles</u> No person shall: (i) discharge on the Access Land without lawful authority any firearm, air weapon, crossbow: or (ii) release any projectile or throw any missile on the Access Land to the danger of any other person or so as to give reasonable grounds for annoyance; or (iii) hit a golf ball or similar on any of the Access Land.</p>	<p><i>Supported</i></p>

Dartmoor National Park Byelaws Consultation: Draft response for discussion at the DAF meeting on 02 November 2021

<p>14 Damage to Land No person on the access land shall without reasonable excuse:</p> <p>(a) climb any wall or fence on or enclosing the land; (b) remove or displace any barrier, railing, post or seat, or any part of any erection or ornament, or any implement provided for use in the laying out or maintenance of the access land.</p> <p>No person shall without reasonable excuse remove from or displace on the access land any soil, peat, dung or stones.</p>	<p>15 Damage to land No person on the Access Land shall without reasonable excuse or lawful authority:</p> <p>(i) break or damage any wall or fence on or enclosing the Access Land; (ii) remove or displace any barrier, railing, post or seat, or any part of any erection or ornament, or any implement provided for use in the laying out or maintenance of the Access Land; or (iii) remove from, displace or damage on the Access Land any vegetation, wood, soil, peat, dung or stones.</p>	<p><i>Supported on the basis that the words “damage” and “vegetation” included to give clarification and includes moss, bearing in mind the damage incurred at Wistman’s Wood.</i></p>
<p>15 Metal Detectors No person shall on the access land use any device designed or adapted for detecting or locating any metal or mineral in the ground unless he is authorised to do so by the Authority.</p>	<p>16 Metal detectors No person shall on the Access Land use any device designed or adapted for detecting or locating any metal or mineral in the ground unless they have written permission from the owner of the land and the Authority.</p>	<p><i>No change other than requiring written permission of the owner of the land as well as the Authority.</i></p>
<p>16 Commercial Activities No person shall on the access land offer for sale or let to hire any commodity or article, or offer any service for reward unless he is authorised to do so in pursuance of an agreement with the Authority and the owner of the land.</p>	<p>17 Commercial activities No person shall offer for sale or hire any goods or services on the Access Land in exchange for payment or reward unless he is authorised to do so in pursuance of an agreement with the owner of the land and the Authority.</p>	<p><i>No change</i></p>

Dartmoor National Park Byelaws Consultation: Draft response for discussion at the DAF meeting on 02 November 2021

	<p><u>18 Recreational Activities</u> No person shall on the Access Land participate or engage in any activity which comprises over 50 people on foot, or 30 horses or cyclists, unless he is authorised to do so in pursuance of an agreement with the owner of the land and the Authority.</p>	<p><i>This new wording places the responsibility on those taking part in such recreational activities to seek the permission of the landowner and the Authority. Identifying the landowner might be difficult.</i></p>
<p>17 Aircraft No person shall take off from or land upon the access land in an aircraft, helicopter, hang-glider or hot-air balloon (except in an emergency) unless he is authorised to do so by the Authority.</p>	<p><u>19 Aircraft</u> No person shall take off from or land upon the Access Land in an aircraft, helicopter, hang-glider, paraglider, hot-air balloon or any other craft designed for manned flight (except in an emergency) unless he is authorised to do so by the owner of the land and the Authority.</p>	<p><i>Supported. The wording now includes paragliders. Landowner permission required as well as the Authority.</i></p>
<p>18 Kites and Model Aircraft No person shall fly a kite or model glider from the access land in such a manner as to give reasonable cause for annoyance to any other person or in such a manner as is likely to startle or disturb stock on the land. No person shall release any power-driven model aircraft for flight or control the flight of such an aircraft on or over the access land unless he is authorised to do so by the Authority. For the purpose of this byelaw “model aircraft” means an aircraft which either weighs not more than 5 kilograms without its fuel or is for the time being exempted (as a model aircraft) from provisions of the Air Navigation Order and “power driven” means driven by the combustion of petrol vapour or other combustible vapour or other combustible substances or by one or more electric motors.</p>	<p><u>20 Kites, model aircraft and drones</u> (i) No person shall fly a kite from or over the Access Land in such a manner as to give reasonable cause for annoyance to any other person or in such a manner as is likely to startle or disturb stock or wildlife on the land. (ii) No person shall launch any model aircraft or drone from the Access Land unless authorised to do so by the owner of the land and the Authority. (iii) No person shall operate any model aircraft or drone over the Access Land at a height or location that may disturb stock or wildlife or cause a nuisance to another person.</p>	<p><i>Supported. Revised wording of Byelaw now includes drones. Emphasis on not causing annoyance or disturbance to another person or disturbing stock or wildlife. It was assumed that annoyance or disturbance includes injuries.</i></p>

Dartmoor National Park Byelaws Consultation: Draft response for discussion at the DAF meeting on 02 November 2021

<p>19 Entertainments No person shall hold any show, concert, exhibition or other entertainment on the access land. Provided that this byelaw shall not apply to any show, concert, exhibition or other entertainment authorised by the Authority.</p>	<p><u>21 Entertainments</u> No person shall hold any rave, show, concert, exhibition or other entertainment on the Access Land unless authorised in writing by the owner of the land and the Authority.</p>	<p><i>The wording not strong enough and not proportionate to the harm, annoyance and disturbance caused to livestock, wildlife, the natural environment and those who live and work on the Moor.</i></p>
<p>20 Music and Radios No person shall play or operate or knowingly cause or permit to be played or operated any musical instrument, radio, television set, record or cassette player, amplifier or similar appliance in such a manner as to give reasonable cause for annoyance to another person on the access land.</p>	<p><u>22 Music and radios</u> No person shall play or operate or knowingly cause or permit to be played or operated any musical instrument, radio, television set, record, CD, DVD player, amplifier or smart speaker using an internet or mobile connection, or similar appliance in such a manner as to give reasonable cause for annoyance to another person on the Access Land.</p>	<p><i>Supported but should include “disturbance to livestock and/or wildlife”.</i></p>
<p>21 Rangers No person shall on the access land: (a) intentionally obstruct any Ranger or other officer of the Authority in the proper execution of his duties; (b) intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Authority; (c) intentionally obstruct any other person in the proper use of the access land, or behave so as to give reasonable grounds for annoyance to other persons on the access land. An act necessary to the proper execution of his duty on the access land by a Ranger or other officer of the Authority, or any act which is necessary to the proper execution of any contract with the Authority, shall not be an offence under these byelaws.</p>	<p><u>23 Rangers</u> No person shall on the Access Land: (i) intentionally obstruct any Ranger or other officer of the Authority in the proper execution of their duties; (ii) intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Authority; (iii) intentionally obstruct any other person in the proper use of the Access Land, or behave so as to give reasonable grounds for annoyance to other persons on the access land; or (iv) fail to follow an instruction by a Ranger or officer of the Authority acting within their authority.</p>	<p><i>Supported. The DAF group would support the appointment of ‘Marshalls’ to help educate people visiting the Moor and assist the Authority in enforcement.</i></p>

Dartmoor National Park Byelaws Consultation: Draft response for discussion at the DAF meeting on 02 November 2021

<p><u>22 Penalty</u> Every person who shall offend against the foregoing byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the Standard Scale.</p>	<p><u>24 Penalty</u> Any person who offends against any of these Byelaws shall be liable on summary conviction to a fine on level 2 on the Standard Scale and in the case of a continuing offence to a further fine for each day during which the offence continues after the said Conviction.</p>	<p><i>Supported.</i></p>
---	--	--------------------------