



## Legal Protection (related to recreation use) of the East Devon Pebblebed Heaths SSSI

A number of Acts protect the East Devon Pebblebed Heaths SSSI (also known generically as Woodbury Common):

**Section 28 of the Wildlife and Countryside Act 1981** as replaced by **Schedule 9 to the Countryside and Rights of Way Act 2000** and inserted by the **Natural Environment and Rural Communities Act 2006** ('the Wild life and Countryside Act') provides over-arching legislation to make sure that Sites of Special scientific Interest (SSSIs) are protected and managed effectively. Any activities on the Commons which are damaging to wildlife and SSSI features of interest would be considered a '*damaging and unauthorised operation*' and as such, would be an infringement of Section 28 of WACA 1981. It is an offence whether or not that person knew it was a SSSI. Damaging activities would include fly-tipping and the use of illegal vehicles.

### Illegal vehicles

**The Countryside and Rights of Way Act 2000** strengthened **Section 34 of the Road Traffic Act 1988** (the section that makes it an offence to drive on a right of way or off-road without lawful authority). Section 34 introduced a presumption that a right of way carries only the rights shown. Illegal vehicles on the Commons would be an infringement of Section 34. There are no **Byways Open To All Traffic** (BOATS) crossing the East Devon Pebblebed Heaths SSSI, although a few end close to the boundary. Thus, no motor vehicles are allowed.

The **Police Reform Act 2002** gives the police the power to seize vehicles that are being driven in a way that causes, or is likely to cause, alarm, distress or annoyance to others.

### Dog walking & dog fouling

**The Countryside and Rights of Way Act 2000** (CROW) gives the public greater rights of access for open-air recreation, but also allows the landowner to protect the wildlife and stock which also use the countryside. Special requirements also exist to control dogs on land covered by the CROW Act. There is a general requirement for dogs to be kept on a short fixed lead of no more than two metres in length between 1 March and 31 July, and at any time in the vicinity of livestock. Two species of bird of European significance breed on the Pebblebed Heaths (Nightjar and the Dartford Warbler), and the use of leads during the summer period helps protect them from disturbance.

There is a legal obligation for dog walkers to pick up dog mess from Common land under the **Clean Neighbourhoods and Environment Act 2005**.

**Section 87 of the Environmental Protection Act 1990** makes it illegal to throw or drop or otherwise deposit in a public open place, anything that could cause, or contribute to or tend to lead to the defacement of that place by litter. This includes dog faeces.

**East Devon Dog Control Order** applicable across the District makes it an offence to fail to pick-up after your dog fouls, an offence to fail to put your dog on a lead when told to do so by an authorised officer, an offence to take out more than six dogs at any one time.

## **Fly-tipping**

In England and Wales the main legislation is the **Environmental Protection Act (EPA) 1990**, ss.33, 34 and 59 whereby it is illegal for any person to deposit controlled waste, knowingly cause or knowingly permit controlled waste to be deposited in or on any land unless a waste management licence is in force and the deposit is in accordance with the licence. Controlled waste is any household, commercial or industrial waste.

## **Scheduled Monuments**

Under the **Ancient Monuments and Archaeological Areas Act 1979** and **National Heritage Act 1983** it is a criminal offence to destroy or damage a scheduled monument either intentionally or through recklessness.

## **Countryside and Rights Of Way (CROW) 2000 Act**

The Pebblebed Heaths are covered by the Countryside and Rights Of Way (CROW) 2000 Act

### **What can I do on the heaths under the Countryside and Rights Of Way (CROW) 2000 Act?**

Most recreational activities that are carried out on foot, such as walking, bird-watching and running are permitted on the heaths.

### **What can't I do on land under the CROW Act?**

Camping, making fires, cycling, horse riding, motor sports and the driving of any vehicle other than a mobility scooter or buggy is not automatically permitted under the CROW Act (except for cycling/horse-riding on existing bridleways). However, Clinton Devon Estates applied to the Access Authority, Devon County Council, to allow a general permission for **individual** horse riders and cyclists to use the heaths, so long as the user is acting in accordance with the CROW Act. Participation in organised games and sports, or in activities organised or undertaken for a commercial purpose, is not permitted but can be individually licensed by the East Devon Pebblebed Heath Conservation Trust on behalf of Clinton Devon Estates