

## THE BROADS AUTHORITY (WHITLINGHAM COUNTRY PARK) BYELAWS 2012

The Broads Authority in exercise of the powers conferred by Section 6 of the Norfolk and Suffolk Broads Act 1988, and all other powers enabling it, hereby makes the following byelaws.

### Part 1: General interpretation

#### Citation and Commencement

1. These byelaws may be cited as the Broads Authority (Whitlingham Country Park) Byelaws 2012 and shall come into force on 1 November 2014.

#### Application of Byelaws

2. These byelaws shall apply to that part of the area known as Whitlingham Country Park coloured pink on the attached plan.

#### Interpretation

3. In these byelaws:

“The Authority” means the Broads Authority

“ball games” means any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing and catching;

“boat” means any yacht, motor boat, dinghy, canoe, sailboard, inflatable or similar craft but not a model or toy boat;

“designated area” means an area in the land which is set aside for a specified purpose, that area and its purpose to be indicated by notices placed in a conspicuous position;

“designated route” means a route in or through the land which is set aside for a specified purpose, that route and its purpose to be indicated by notices placed in a conspicuous position;

“invalid carriage” means a vehicle, whether mechanically-propelled or not,

(a) the unladen weight of which does not exceed 150 kilograms,

(b) the width of which does not exceed 0.85 metres, and

(c) which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person,

“The land” means that part of the country park known as Whitlingham Country Park coloured pink on the attached plan;

“motor cycle” means a mechanically propelled vehicle, other than an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilograms;

“motor vehicle” means a mechanically-propelled vehicle, other than a motor cycle or an invalid carriage;

‘plant’ does not include turf;

“police constable” includes a police civilian designated by section 38 of the Police Reform Act 2002;

“power driven” in relation to a boat means driven by battery or by the combustion of petrol vapour or other combustible substances;

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle by one or more persons pulling or pushing the vehicle;

“trailer” means any vehicle drawn by a motor vehicle and includes a caravan;

“The Trust” means the Whitlingham Charitable Trust

“waterway” means any river, lake, pool or other body of water.

#### Part 2: Protection of the Land, its Wildlife and the Public

##### Walls and Fences, etc

4. No person shall, without reasonable excuse, on the land:

(a) climb any wall or fence or enclose the land, or any tree or barrier, railing, post or other erection; or

(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 land.

##### Fires

5. No person shall, without the consent of the Authority, light a fire on the land, or place or throw or let fall a lighted match, or any other thing so as to be likely to cause a fire.

##### Gates

6. Where the Authority indicate conspicuously by a notice by or on a gate on the land that leaving the gate open is prohibited, no person having opened that gate or caused it to be opened shall leave it open.

##### Camping

7. No person shall on the land, without the consent of the Authority, erect a tent or use any vehicle, including a caravan or any other structure, for the purpose of camping, except in an area which may be set apart and indicated by a notice as a place where camping is permitted.

##### Firearms

8. No person shall on the land, to the danger or annoyance of any person on the land, throw or discharge any missile.

##### Protection of Wildlife

9. (1) No person shall on the land intentionally kill, injure, take or disturb any animal or fish or engage in hunting, shooting or fishing, or the setting of traps or nets, or the laying of snares, without the consent of the Authority.

(2) This byelaw shall not prohibit any fishing which may be authorised by the Authority.

##### Protection of Flower beds, Trees, Grass, etc

10. No person shall walk on or ride, drive or station a horse or any vehicle over:

(a) any flower bed, shrub or plant;

(b) any part of the land in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or

(c) any part of the land set aside by the Authority for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.

##### Grazing

11. No person shall, except with the consent of the Authority, turn out, or permit any animal to graze on the land.

##### Interference with life-saving equipment

12. No person shall, except in case of emergency, remove from, displace or otherwise tamper with, any life-saving appliance provided on the land.

### Part 3: Horses, Cycles and Vehicles

#### Horses

13. (1) No person shall ride a horse on the land except in the exercise of a lawful right or privilege.

(2) In any part of the land where horse riding is permitted by virtue of a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

#### Cycling

14. No person shall, without reasonable excuse, ride a cycle on the land except on any part of the land where there is a right of way for cycles or on a designated route for cycling.

#### Motor Vehicles

15. (1) No person shall, without

reasonable excuse, bring into, ride or drive on the land, a motor vehicle or trailer except in any part of the land where there is a right of way for that class of vehicle.

(2) This byelaw shall not extend to invalid carriages.

#### Overnight Parking

16. No person shall, without the consent of the Authority, leave or cause or permit to be left any motor cycle, motor vehicle or trailer on the land between the hours of 10 pm and 6 am.

### Part 4: Play Areas, Games and Sports

#### Children’s Play Areas

17. No person aged 14 years or over shall use any apparatus stated to be for the exclusive use of persons under the age of 14 years by a notice conspicuously displayed on or near the apparatus.

#### Skateboarding

18. No person shall skate, slide, or ride on rollers, skateboards or other self-propelled vehicles except in areas designated for such use.

#### Ball Games

19. No person shall play ball games outside a designated area for playing ball games in such a manner:

(a) as to exclude persons not playing ball games from use of that part;

(b) as to cause danger or give reasonable grounds for annoyance to any other person on the land; or

(c) which is likely to cause damage to any tree, shrub or plant on the land.

#### Archery

20. No person shall engage in the sport of archery except in connection with an event organised by or held with the consent of the Authority.

## Field Sports

21. No person shall throw or putt a javelin, hammer, discus or shot except in connection with an event organised by or held with the consent of the Authority.

## Golf

22. No person shall on the land drive, chip or pitch a hard golf ball except in connection with an event organised by or held with the consent of the Authority.

## Part 5: Waterways

### Watercourses

23. No person shall obstruct the flow of any drain or water course, or open, shut or otherwise interfere with any sluice gate or similar apparatus on the land.

### Bathing

24.1. No person shall, without reasonable excuse, bathe or swim in a waterway comprised in the land except in an area where a notice exhibited by the Authority permits bathing and swimming.

24.2. No person shall, on the land, engage in scuba diving or any other sub-aqua activity without the consent of the Authority.

24.3. Byelaw 24.1 does not extend to scuba diving or any other sub-aqua activity.

### Pollution of Waterways

25. No person shall, on the land, intentionally, carelessly or negligently foul or pollute any waterway comprised in, or running adjacent, to the land.

### Boats

26. No person shall sail or operate on any waterway comprised in the land any boat which has not been registered either with the Authority or with the Norfolk County Council's Outdoor Education Centre.

### Power-driven Boats

27.1. No person shall operate a power-driven boat on any waterway comprised in the land.

27.2. This byelaw shall not extend to any boat operated by, or on behalf of, Norfolk County Council in connection with their operation of their Outdoor Education Centre on the land or in the event of any emergency.

## Part 6: Model Aircraft

### Model Aircraft

28.1 In this byelaw:

(1) "model aircraft" means:

(a) A power-driven aircraft which either weighs between 500 grams and 7 kilograms without its fuel; or

(b) A power-driven aircraft which weighs more than 7 kilograms and up to 20 kilograms without its fuel and is regulated by Article 166 of the Air Navigation Order 2009 SI No. 3015; or

(c) A power-driven aircraft which weighs over 20 kilograms without its fuel and which is exempt from the Air Navigation Order 2009.

(2) "power-driven" means driven by the combustion of petrol vapour or other combustible vapour or other combustible substance and subject to the Noise Code.

(3) "radio-controlled" means controlled by a radio signal from a wireless transmitter or similar device.

(4) The "Noise Code" means the Code of Practice on Noise from Model Aircraft issued by the Secretary of State in pursuance of the approval given by the Control of Noise (Code of Practice on Noise from Model Aircraft) Order 1981 SI No. 1830.

28.2 (a) No person shall on the land release any power-driven model aircraft for flight or control the flight of such an aircraft.

(b) No person shall cause any power-driven model aircraft to take off or land on the land.

## Part 7: Other Regulated Activities

### Trading

29. No person shall on the land except with the consent of the Authority sell or offer or expose for sale, or let to hire, or offer or expose for letting to hire any service, commodity or article.

### Excessive Noise

30. (1) No person on the land shall, after being requested to desist by an officer of the Authority or the Trust or by any person annoyed or disturbed, or by any person acting on their behalf:

(a) by shouting or singing;

(b) by playing on a musical instrument; or

(c) by operating or permitting to be operated any radio, CD player, amplifier, tape recorder or other device capable of emitting sound;

cause or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons on the land.

(2) This byelaw does not apply to any person holding or taking part in any entertainment held with the consent of the Authority.

### Public Shows and Performances

31. No person on the land shall without the consent of the Authority hold or take part in any public show or performance.

### Aircraft, Hang-Gliders and Hot-Air Balloons

32. No person shall, except in case of emergency or with the consent of the Authority, take off from or land within the land in an aircraft as classified in the Air Navigation Order 2009 SI No. 3015 Schedule 3 Part A.

## Kites

33. No person shall on the land fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any person on the land.

## Metal Detectors

34. No person shall on the land without the consent of the Authority use any device designed or adapted for detecting or locating any metal or mineral in the ground.

## Part 8: Miscellaneous

### Obstruction/Annoyance

35. No person shall:

(a) intentionally obstruct any officer of the Authority or the Trust in the proper execution of their duties;

(b) intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Authority or the Trust; or

(c) intentionally obstruct any other person in the proper use of the land, or behave so as to give reasonable grounds for annoyance to other persons on the land.

### Savings

36. (1) It shall not be an offence under these byelaws for an officer of the Authority or the Trust or any person acting in accordance with a contract with the Authority or the Trust to do anything necessary to the proper execution of their duties.

(2) Nothing in or done in or under any of the provisions of these byelaws shall in any respect prejudice or injuriously affect any public right of way through the land, or the rights of any person acting lawfully by virtue of some estate, right or interest in, over or affecting the land or any part of the land.

## Removal of Offenders

37. Any person offending against any of these byelaws may be removed from the land by:

(a) an officer of the Authority;

(b) an officer of the Trust who has been authorised by the Authority; or

(c) a police constable.

## Penalties

38. Any person who contravenes or fails to comply with any requirement made by or under any of these byelaws shall be guilty of an offence and be liable:

(a) on summary conviction to a fine not exceeding level 3 on the standard scale; and

(b) in the case of a continuing offence, to a further fine equivalent to one tenth of level 3 on the standard scale for each day during which the offence continues after conviction.

## Revocation

39. The Broads Authority (Whitlingham Country Park) Byelaws 2012 made by the Authority on 19 December 2012 and confirmed by the Secretary of State for the Environment, Food and Rural Affairs on 25 February 2014 are hereby revoked.

The foregoing byelaws are hereby confirmed by the Secretary of State for Environment Food & Rural Affairs, subject to the modification to the boundary on the plan excluding the land marked with black hatching, and shall come into force on 1<sup>st</sup> November 2014.