

COUNCIL

CHAIRMAN: Cllr Timothy Golder

DATE: 25 September 2017

REPORT OF: Cllr Humphrey Clemens, Executive Portfolio Holder for Planning (including Coastal Management)

SUBJECT: Coastal Byelaws

PART I or II

RECOMMENDATION

That the Council resolve to update existing Coastal Byelaws to enhance safety for beach users and better manage access by leisure and commercial craft.

1. PURPOSE

To inform members of the process to update existing Coastal Byelaws and seek approval for the Council's Coastal Officer and Solicitor to undertake formal consultation and forward a recommendation to the Secretary of State.

2. BACKGROUND

In April 2004 the Council revoked an earlier (1987) version of a comparable Byelaw and created a new Coastal Byelaw under Section 76 of the Public Health Act 1961 for the prevention of danger, obstruction or annoyance to persons in the area or using the seashore. This report seeks to update the 2004 Byelaw to reflect coastal management changes and to facilitate coastal development opportunities. The proposed changes are relatively modest in nature however Byelaw legislation does not accommodate amendment and requires a process of revocation and recreation.

The existing byelaws are designed to create safe areas for beach users to swim (and to reduce noise and pollution) by excluding the majority of powered vessels from an area from the Mean High Water mark to a distance of 200m seaward. For ease of identification the Bylaw area is demarcated by a line of yellow buoys. The Byelaw covers beaches at Dawlish, Teignmouth and the Ness, Shaldon. The proposed changes are

- Dawlish – The current Byelaw precludes motorised vessel access to the Council's asset at Boat Cove or passenger vessels making use of the existing breakwater adjacent to the underpass. The revised Byelaw will remove the unused existing access lane adjacent to the former

TEIGNBRIDGE DISTRICT COUNCIL

Coastguard Cottages and create a wider access area between the main breakwater at Dawlish Water/underpass and the end of the breakwater at Boat Cove.

- Teignmouth – Re-profile current funnel shaped access lane to cover a square section area between two groynes in the same location making it easier to visualise from both land and from the water.
- Ness Beach, Shaldon – The existing access area lane dissects the protected area. The proposed change will simplify marker buoy requirements, making it easier to visualise from the beach and from the water.
- Dawlish Warren (seaward SE face) – Although boat traffic is at a lesser frequency than at other areas, swimmers and other beach users at Dawlish Warren, the District's main tourism beach, do not benefit from the same safety measures as enjoyed by users at Dawlish Town, Teignmouth or the Ness. It is proposed that the same criteria are applied to a new area on the front beach at Dawlish Warren and that the Byelaw covers the area between the slipway/RNLI lookout station and groyne 15. It is not expected that the Byelaw at Dawlish Warren would require additional buoyage.

Initial consultation

The proposals have been subject to consultation at the Council led Teign Estuary and Coastal Partnership which directly involves all the statutory agencies and around 100 stakeholder groups interested in the management of the District's open coastal frontage. The proposals also featured at the Partnership's Annual Forum in February 2017 attended by over 150 organisations, groups and interested individuals and were supported by 93% of participants.

3. IMPLICATIONS

Strategy

The proposals will directly support the Council's Strategies including: Health at the Heart, and Out and about.

In addition, by facilitating managed vessel access to key sites, the proposals will enhance Strategies for; Investing in prosperity, and Moving up a gear.

Legal

The process to rescind and create Byelaws requires a formal resolution of the Full Council. Following a resolution the Council's Coastal Officer and Solicitor will undertake a further consultation process, include amendments as required, advertise and submit to the Secretary of State for confirmation.

TEIGNBRIDGE DISTRICT COUNCIL**Resources – Finance**

The cost of advertising, information and signage to be found within existing Economy and Assets Coastal Management resources including the Teign Estuary and Coastal Partnership budget. The proposed changes will result in a modest saving in the annual cost of buoy deployment, maintenance and recovery.

Resources – Property

The proposals will enable further investigation of commercial utilisation of assets at Boat Cove.

Risk Analysis

The proposals will reduce the likelihood of injuries to bathers and beach users.

Time-Scale

The Byelaw will be advertised for a period of one calendar month before being submitted for confirmation and should be finalised before the start of the summer season in May 2018. The Byelaw will as existing cover the period May to September inclusive.

Tony Watson**Business Lead for Strategic Place - Economy & Assets****Cllr Humphrey Clemens****Portfolio Holder for Planning (including Coastal Management)****BELOW TO BE FILLED IN BY THE REPORT AUTHOR:**

Wards affected	Dawlish, Teignmouth, Shaldon
Contact for any more information	Graeme Smith – Coastal Officer – 01626 215748
Background Papers (For Part I reports only)	
Key Decision	Y / N
In Forward Plan	Y / N
In O&S Work Programme	Y / N
Community Impact Assessment attached:	Y / N
Appendices attached:	A: Existing Byelaws 2004