

their recent experiences interacting with Defra, so that further improvements can be identified.

Following this, Defra has initiated a project focussed on improving the levels of trust and respect between Defra group and farmers. This includes reviewing our communications to make sure they are clear and the language and tone is respectful. Defra is also identifying opportunities to listen to farmers and apply feedback to improve our services.

Natural England's future operations on Dartmoor

The Review acknowledges that Dartmoor is a very challenging environment for Natural England to work in. This is due, in part to:

- its fragile and damaged landscape
- its wide range of almost uniquely valuable habitats, plants, species, and heritage
- the wide range of vested interests on the moor
- it's strong-minded and vocal farming community

Trust and relationships between Dartmoor farmers and Natural England have been low but are showing signs of improving, following the Review. We agree with the Review's assessment that this low trust has led to unhelpful behaviours from all sides at times. There is an urgent and pressing need for a reset in ways of working from all parties.

Natural England is committed to investing in building trust and understanding with the commoners, as well as developing new, genuine partnerships with them and other stakeholders. These partnerships should work collaboratively towards the shared vision on Dartmoor, to enable the recovery of nature alongside farming.

The government's role will be to support and facilitate this new way of working and to ensure that commoners with support and advice from Natural England, are able to understand and take advantage of the opportunities available through the ELM schemes, to deliver the change needed to meet that vision on Dartmoor.

Natural England supports the recommendations of the Review and has already begun work to implement them, as follows:

- implementing the 2+3 recommendation for HLS extensions

- bringing in additional senior staff to lead on communications for Dartmoor and to oversee the implementation of the Review's recommendations
- bringing in additional staff to support and advise farmers, commoners, and landowners
- commencing a full condition survey of moorland SSSIs and repeat monitoring of the series of fixed-point quadrats established under the Environmentally Sensitive Area (ESA) to ensure the evidence on SSSI condition is up to date and will make the results available
- commissioning a remote sensing project to establish change in habitat types and extent since the early 1990s
- continuing to support the restoration of peatland through Nature for Climate funding of the South West Peatland Partnership
- developing a strategic approach to assessment and management at a 'feature' scale across all the moorland SSSIs which will help guide future agri-environment agreements
- providing advice and support for the 3 Dartmoor Landscape Recovery projects

Other Dartmoor institutions

The Dartmoor Commoners' Council is working at capacity to further the interests of Dartmoor's commoners. While it is well supported by Dartmoor's commoners, many think it could work more effectively or that Dartmoor needs a further body to share some of the functions.

It is for the commoners and the Dartmoor Commoners' Council to consider how they are constituted. However, we agree that it is essential that the commoners' council is as effective as possible. We will work with the commoners' council to support any review they think is necessary.

OGI

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**The state of the commons on Dartmoor:
A Common Perspective**

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Foreword

Dartmoor matters to us as commoners and as people. It is this passion that means we fight for what we have and we fight for where we live.

What happens on Dartmoor affects every part of our lives. A change in a management prescription does not mean just a change in the vegetation it means a change in our way of life.

What we want is a better way of doing it all. We want to share our knowledge and passion for the place with the many organisations who also share the sense of place.

As Prof. Michael Dower said at the East Devon 50th AONB celebration: *the best way to sustain a landscape is to sustain in modern form the way of life that created it.*

Note that for such a focused, “condition”, topic it is highly complex. Condition is simply not one factor or one action. It is the culmination of so many highly related and important facets. To neglect one is to fail them all. However, there is a way into the moors and their success and that is through commoners and commoning. It is a bond and relationship with the land and community that makes up Dartmoor that goes beyond mere modelling of issues, policies, regulations or partnerships. Rewilding for Dartmoor will be an anathema to the people that live in or manage the land as it is their wild. Rewilding is simply not just letting nature be wild and thrive. Rewilding is about the relationship of the people with their land. As wild and natural as Dartmoor is it is a place where people thrive with nature. It is a place where the commoners connect with the land and in return deliver food and natural beauty. It is a place that can be so much more if this relationship is recognised and enhanced. Or?

Dartmoor is failing for everyone because it fails to take a systems approach and consider that the best condition that can be achieved for anyone of its facets can only be achieved by choosing what would appear to be sub optimal positions that enable all parts of the system to thrive. “Give a little to get a little” is probably the adage for the moor. If you were a sports psychologist or business consultant, you might look at the “aggregation of marginal gains”. When Dave Brailsford was hired as the performance director for British Cycling back in 2003 he said ““The whole principle came from the idea that if you broke down everything you could think of what goes into riding a bike, and then improve it by 1 percent, you will get a significant increase when you put them all together.” Dartmoor needs to embrace this and embrace everything that makes it so special.

Commoners feel that they have done what has been asked of them.

Purpose of this document

- a. This document is focused on the management of the Dartmoor Commons from the perspective of the commoners of Dartmoor. It has been developed by the quarter men¹ who sit as members of Dartmoor Commoners Council² (DCC). The aim has been to share their knowledge and customs related to Dartmoor in order that Dartmoor and its' commons might be better managed, and its' history carry on long into the future.
- b. It is hoped that policy makers and those with an interest in the sustainable management of the Dartmoor commons will read this document. It can be used as a basis as to how management practices can be improved upon by working with and listening to the active commoners whose daily lives are integrated into the commons. The phenomenal depth of knowledge and the history held by the Dartmoor commoners is an untapped resource. This document is not intended to be exhaustive in terms of depth and breadth but does point to how we can better manage the moor for all.

How we carried out the research

- a. The research underpinning this report was carried out under DCC. A small team lead by Ann Willcocks led the discussions.
- b. The topics of conversation were merely guided, not structured and are recorded here under subheadings.
- c. Following discussions at a DCC meeting in 2019, it was decided that it was time to gather the thoughts of the quarter men as to how they viewed their Dartmoor. A series of informal gatherings were held with the Quarter men where the conversation was not controlled but noted. These sessions were a privilege to attend as the knowledge, the passion and the pride about their commons unfolded.

¹ Dartmoor Commoners' Council (Council) is comprised of 28 members of whom 20 are appointed from within the commoning community by election. All Members of Council that are appointed by the commoners must be a commoner and be recorded in the Council's register of common rights and to have paid their contributions in each financial year that their name has been recorded. Members of Council elected to Council by commoners; the 16 Quarter men and 4 small graziers and to the eight Members that are co-opted or represent specific interests including those of the common land owners.

² Under the Dartmoor Commons Act (1985), the Dartmoor Commoners' Council was established to represent the commoners, make regulations about most matters, which concern the management of the commons and the welfare of the stock depastured on the commons, and to enforce the Dartmoor Commoners' Council Regulations.

How the report is structured

The report is structured into themes which are then further divided into key areas. there are relationships between many of the themes and key areas and where important we highlight. Where we do not highlight that does not mean it is not considered important.

Summary of key findings

During the knowledge gathering, several issues and opportunities came to the fore. The key findings are organised below into the key themes that emerged. We understand that these are not exhaustive and might be expressed differently to how others would see them.

1. Communication

- a. The Commoners of Dartmoor deserve and need to be trusted.
- b. There is a lack of meaningful dialogue at a Dartmoor level between Natural England, Rural Payments Agency, Dartmoor National Park and the Dartmoor Commoners Council regarding moorland management priorities.
- c. We want people to work with the Commoners and not against them.
- d. There is a lack of shared information. All data for the species rich habitat needs to be shared with those who carry out the land management.

2. Governance

- a. There is a need for simple and clear processes to enable effective management of the moors.
- b. There is not an accepted shared vision.
- c. Role of the commons' associations needs definition and purpose.

3. Working to a clear vision, aims and objectives

- a. There is a lack of ownership and control of the way of achieving favourable status for the SSSI from the perspective of the Commoners.
- b. Working to outcomes and not outputs

4. Making the moors viable

- a. There is a risk of abandonment of the moors if they are unsustainable.
- b. Livestock grazing the commons should not be demonised.

Key Principles for the future of the commons

1. Need to learn from the previous years and previous schemes.
 - a. This means we need to know how the schemes have performed and what went up and what went down.
 - b. Current schemes mapped the habitat and listed species, these maps have never been used to monitor change.
2. Liability needs to be restricted to the current management year.
 - a. Fear of financial loss makes commons management stressful and unviable.
 - b. A simple “sign off” needs to be agreed for each agreement at the end of the agreement year.
3. Commoners have rights and a right to their rights.
 - a. This is unassailable.
4. The need to work in partnership.
 - a. The moors are a partnership directly between the Commoners and the landowners with the buyers of the services they provide.
 - b. Knowing what needs to be delivered means working with the regulators and the relevant expert for the different natural capital the moors produce.
 - c. Partnership needs resourcing to ensure delivery is effective and agile. Dartmoor National Park Authority working with DCC and the regulators and buyers can help ensure this partnership works.
5. The need for clear plans that can adapt.
6. Recognise and utilise the plethora of knowledge held by the active commoners.

What makes up the “state” of the commons?

Such a simple question hides volumes of complexity and difficulty. Over time the “state” has come to refer to the condition of the SSSI.

The dictionary definition of “condition” from a search on Google and using the Cambridge Dictionary is “*the particular state that something or someone is in*³.” The questions that flow from this are:

Particular state of what?

If we are talking about the state of the common, then from what perspective do we consider this state? Does this mean looking at it from the point of view of agriculture, or the environment, or the communities that live there, the visitors that come there or the many businesses that depend on the moors for their income?

Does knowing the condition from one point of view and how it got to this state explain where the solution is to helping it thrive?

Does achieving a particular state or condition for one thing mean that ultimately the whole area fails because that condition can only be achieved if everything else has a lower condition.

What does good look like in terms of condition and who gets to decide this?

What condition matters most for Dartmoor?

What is the role of the “Sandford Principle”.

In having looked at the question of condition from the point of view of commoners the answer is simple. Condition can only be understood when looking at ALL of Dartmoor and what makes it so special. Throughout this piece of work there has been an underlying feeling that Dartmoor is failing from the perspective of the commoner. Most feel that this is because too much is effort, money, monitoring, conversation, and care is there just for one particular state. The state of the SSSI. If you ask any commoner how important the SSSI areas are no one will say they are unimportant. They all want to see them thrive. However, they also see that the favourable condition for the SSSI is simply not a factor of following the management code as laid out originally by English Nature and now overseen by Natural England. Favourable condition for the moor cannot be removed from having favourable condition for everything that is part of the moor. That means the people and communities and businesses that live there.

³ <https://dictionary.cambridge.org/dictionary/english/condition>

What is important for commoners?

Commoners take great pride in their farmed environment, whether that is over the gate of their inbye land or looking out onto the common. All too often the commoner is seen as the enemy, with commoners often the last group to be approached with regards projects on common land. The commons form part of what is and needs to be a multifunctional landscape. The commons are so many things to so many people, a place for recreation, a view, vital habitat, but they are also an integral part of many farming businesses.

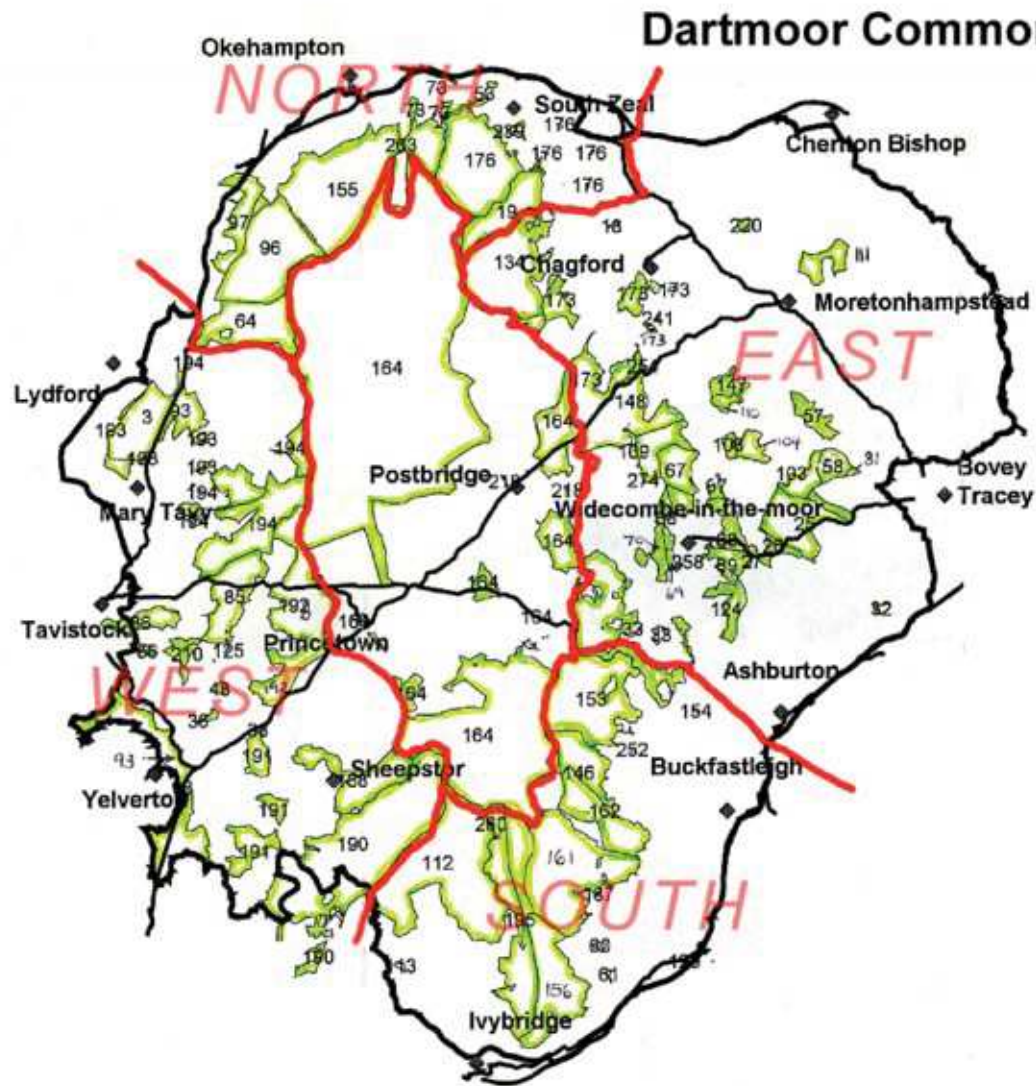
Common rights are steeped in history, in the past commoners have fought to preserve their right of common, some things do not change. Commons have always had some form of local management, with Commoners Associations being formalised under the Commons Registration Act 1965. Prior to this, many commons held a Court Leet, some of these still exist today. Commons were not lawless expanses. There was understanding and control. Understanding the common and how it was grazed was up to the Reeves and Agisters and true Moormen. Stock numbers were controlled by them as livestock from across Devon would have grazed on the expanse of Dartmoor.

Today, we have many interested parties, who all want Dartmoor to deliver to their specific interest, whether that is a butterfly, beetle or bird, they all need something different. But the interested parties do not join up the thinking to deliver the whole sustainable environment. Commoners make their living from farming on and around the common. Any required changes to the management of the common set down by an external agency do not take into account the far-reaching implications.

The Dartmoor Commons

The Forest of Dartmoor is the central part of the moor, owned by the Duchy of Cornwall. The Forest of Dartmoor is enrolled in an environmental scheme but is participating in a long-standing pilot known as the Farming Futures project. This project is well publicised.

The peripheral commons that radiate out from the Forest at the centre are not party to the Farming Futures project, except for Haytor common.



The ownership of the 35,000ha of common land is divided between 54 owners. The Duchy of Cornwall own 20,200ha, being the largest landowner. Other owners include Ministry of Defence, Water companies, National Trust, Forestry Commission, Dartmoor National Park Authority and finally 22% of the common land is under private ownership.

The management of the commons is undertaken by local commons associations.

Most of the peripheral commons have duplicated common rights from the home common onto the Forest. That is, their common right entry appears in the register for their home common and in the register of the Forest. Most of these entries are cross referenced, which makes them duplicated rights. There are a few entries that are not cross referenced and therefore not duplicated, but separate rights on the named commons. There are some commons where the rights holders do not have a common right on the Forest. These are the exception.

This factor has implications as far as the current Basic Payment Scheme is concerned, the common rights are divided between the Forest and the home farm. But for the environmental land management schemes, the common rights are duplicated. Whilst the common rights may be duplicated, there is no commonality between the environmental agreements across different commons. Compatibility of management prescriptions across different commons is not considered, yet there are significant implications. Where sheep are removed for some months during the winter, the sheep from other commons will naturally fill the void during the same months. Where burning is limited on one common, yet some is carried out on an adjacent common, this naturally draws in the livestock, creating an imbalance between the commons of grazing pressure.

The duplication of common rights is a significant factor attributing to the management practices on both the peripheral (home) commons and the Forest. Livestock under the same ownership, may graze both on the Forest and the home common if the common rights are duplicated. Ensuring the right number of livestock service both agreements is difficult to enforce. A link between neighbouring agreements and the understanding of the requirements could be beneficial to more effective management decisions.

It is vitally important that the differences between the Forest and the peripheral commons is recognised and incorporated into future schemes and management plans.

Key points

1. Management decisions impact on a far greater area than the common under consideration. A more joined up approach is needed.
2. Duplication of common rights impact in land management schemes. Consideration of duplicated rights needs to be incorporated into a more joined up land management approach.

Management of the Moors

Background

The landscape of Dartmoor has evolved over generations of management from commoners and livestock farming in a way that has met the requirements at that time. From the tin streaming to the war time training area and always a requirement for livestock grazing. Dartmoor is of international significance for the historic and environmental environment with many designations including Site of Special Scientific Interest, Special Area Conservation and the incredible archaeological landscape with the locally recognised Premier Archaeological Landscapes.

The Dartmoor commons have been a grazed landscape for thousands of years, it is this symbiotic relationship between grazing livestock and the commons that has created the diverse habitat and stunning environment. There is considerable concern amongst the commoners that continue to graze livestock as to the continued significant reduction in the number of livestock permitted to graze as a direct result of the environmental agreements. Reduction in livestock numbers are made by Natural England to commons under Higher Level Stewardship Agreements. There is no monetary compensation made for such reductions and there are significant financial impacts on the farm businesses.

Management of the moorland comes primarily from the use of livestock grazing; this is in part controlled by current agri environmental schemes which set outcomes for the use of measures and features. A key part of the management of the moors is swaling. Swaling is the controlled burning of moorland vegetation to encourage regeneration of vegetation. This is especially important for the removal and renewal of vegetations such as molinia and gorse, encouraging sweeter more palatable grasses and adding greater diversity in habitat structure. Swaling is usually carried out in small burns that are heavily regulated and managed at specific times of the year.

Livestock

There is evidence of cattle, sheep and ponies grazing the commons of Dartmoor during the Bronze age. Livestock grazing is an integral part of Dartmoor's heritage, but also its future. Alongside the grazing livestock are the people, the farmers who manage the livestock and the farmers who make the communities. The farms around Dartmoor are steeped in history with many of the families having been there for hundreds of years. Farmers not only form a significant part of a rural community but also bring business and money to the local community.

Current Agri environment scheme (AES) agreements have an indicative stocking rate of 0.2LSU/ha. There is a small degree of variation across the commons. A stocking calendar identifies the monthly maximum and minimum numbers of cattle, sheep and ponies that may be grazed on a common.

This forms an integral part of the agri-environmental agreement⁴. The outset of both the Environmentally Sensitive Area Agreement and the Higher-Level Stewardship Agreement both required a significant reduction in grazing livestock on the commons. The significant reduction in livestock grazing numbers has impacted on the vegetation of the moor. However, the monitoring of the vegetation has not been maintained and the methodology employed is not standardised. Therefore, there is no real correlation between grazing levels and vegetation density or vegetation type.

The significant reduction in grazing livestock across Dartmoor has resulted in insufficient numbers of livestock to graze the whole area of a common effectively. The stocking calendar is determined by date. However, weather and ground conditions are variable and as the climate changes so the weather pattern becomes more variable. There would be a benefit of a more adaptable method of ensuring livestock are used as graziers more effectively. Success could be measured by outcomes.

Cattle, sheep and ponies are bred and reared on the commons of Dartmoor. It is the fact that they were born and raised in family groups that enables them to identify their home ground or lea. The lea is vital to commoning and is recognised as exceedingly difficult to create and easier to maintain if the balance of the common is right. Leas are treasured by the commoners. The recognition and understanding of the importance of leas is not considered by agri environment scheme design. The knowledge of pattern of livestock movement, the watering holes, the sheltered spots, the sheep lawns, the access areas, livestock movements are known and understood by the active commoners. The use of this information in the creation of future agreements would be very beneficial in habitat management.

Extensive areas of common land are unfenced, and livestock movement is more effective if the livestock are encouraged into an area rather than driven. Grazing livestock are more likely to remain in an area and graze, if there is something to stay for. Driving livestock to an unpalatable area of vegetation may appease the shepherding payment, but once the shepherd has gone the livestock will move back to more palatable vegetation.

Leas are integral to livestock management across Dartmoor. However, the imbalance caused by the changes to livestock grazing numbers upon neighbouring commons causes issue with straying livestock. An empty common will pull in livestock from a neighbouring common. Whereas a balance in grazing livestock numbers and recognition of the impact on neighbouring commons would be a significant benefit to understanding and managing the grazing requirements. There needs to be a

⁴ Schemes are managed at a common level by the relevant commons association. Each association will have an "internal deed" which defines how an agreement for an AES will operate.

better understanding in the interaction of lears, vegetation palatability, weather, type of stock and the movements of livestock.

The breed of livestock grazing on the commons is important. Whilst many farmers have now moved away from the smaller hill type cow to a cow that can produce a more saleable calf, these animals have their place as they enable a moorland farmer to have a viable business, maximising his returns whilst delivering the all-important grazed landscape. There is a role for the smaller hill cow, research has identified that there is very little difference in the type of vegetation grazed by different breeds of cows, however, the range and the hardiness of the breed and the ability to obtain adequate nutrition from poorer pasture is useful feature of the hill cow.

There is a recognised difference in the vegetation grazed by the different breeds of sheep. This is where a variety of breeds as is evident across the moor is of greatest benefit to the agri environment schemes.

The Dartmoor pony is an important feature on the moor, with many visitors coming to see the indigenous population. Pony herds are still kept by many of the active commoners, and they have a part to play in agri environment schemes now and in the future. The mixed grazing of cattle, sheep and ponies is a remarkable site and an excellent method of delivering vegetation management.

The vegetation needs to be of an acceptable grazeable quality that ensures it is palatable and nutritious to livestock. It is far easier to draw livestock in to graze than it is to drive them. Cattle and sheep will not eat rubbish. The grazing livestock on Dartmoor should not be demonised by agri-environment schemes.

Issues identified in livestock grazing the commons.

- The coalescence of large areas of western gorse is limiting the available grazing area for livestock. With large areas now impenetrable, the livestock are being pushed into smaller grazing areas. These smaller grazing areas are suffering from increased grazing pressure.
- The dense western gorse habitats also force livestock and people onto the same narrow paths. Livestock are cornered. People are cornered.
- Livestock cannot see approaching people or dogs and are often startled with dogs chasing sheep that have suddenly appeared.
- Many of the roads across Dartmoor are open to the moorland and the roadside vegetation, often gorse or bracken restricts visibility for oncoming vehicles with a greater risk of livestock being hit by vehicles.

- The reduced stocking numbers combined with an increase in vegetation is revealing an increase in tick numbers. With lesser numbers of livestock to attach to, the density of ticks on livestock is increasing. This may well pose an additional threat to the wild mammal and bird nesting population. The livestock are suffering from many ticks borne diseases including tick pyaemia, louping ill and red water.

Key livestock management practice

There are certain management practices associated with livestock farming that impact upon the use of the common.

- Spring calving cows need to be brought in from the common to run with the bull in June and July. This is when the number of cows on the common is required to be at the maximum level to control the Molinia grasses that are covering the blanket bog.
- Cows may calve on the commons in the Autumn and there is a benefit to the cattle of pulling in the freshly calved cow from the common to reduce the many risks.
- Overwintering of cattle on the common very rarely occurs now as it was considered that overwintering cattle on the commons delivered no environmental gain.
- Overwintering of hardy hill type cattle on the common can benefit the environment and the cattle, but it is about the right type of cow and the right weather conditions, with the ability to supplementary feed as necessary, but with due consideration for the environment.
- Pulling cattle off the common for the winter incurs additional costs to the cattle keeper. Overwintering cattle in buildings is preferred but has significant cost implications.
- All these factors need to be considered in any agreement; a sympathetic approach that includes the requirements of the livestock for the complete lifecycle, not just the period they are on the common.
- Breeding replacement for the hill flock or herd is vital to the continuation of a lea and ensuring the livestock are bred to withstand their environmental challenges. Sustaining a viable number within the flock or herd enables a selection of the best animals to be retained.
- Some sheep flocks that are indigenous to the hill have been reduced to an unviable number, combined in some instances with complete winter sheep removal.
- Significant cuts to the livestock numbers permitted on the common impact not only on the vegetation of the common, but on the viability of the flock or herd, the viability of the enterprise in financial terms. A reduction of 40% in a flock cuts the selection ability of replacements, the number of lambs for sale, but it does not cut the costs incurred for the flock by the same 40%. There is a sweet spot for viability and profitability.

Grazing livestock are part of the solution, not the problem. They contribute to the carbon cycle, ensuring good soil health by recycling nutrients and adding organic matter. They remove some of the vegetation, although numbers are reduced too much for the benefit to be seen, ensuring valuable new growth. Cattle, sheep and ponies as a combination are very beneficial in grazing Molinia and reducing the density. Cattle grazing throughout the year can open the vegetation and the soil to enable new seedlings to develop. Feeding cattle on top of the western heath helps create pathways through the dense vegetation.

Swaling

The swaling rotation was always considered appropriate at a 10 or 15 year cycle with burn areas <20ha. ([grass burning code](#)) with the Dartmoor Commons Act providing further regulations for burning ([Dartmoor code](#)). However, this cycle is not currently operational. The current agri-environment schemes stipulate small areas are burned, often less than 4ha. The areas burned are not large enough to facilitate a conventional burning cycle and many commons not able to burn even small areas in some years due to the onerous and ever-changing permissions required from Natural England, lack of owners consents or weather conditions.

- The vegetative growth is considered by many commoners to be excessive, and the fuel load is building.
- Vegetation is no longer under rotational control. It was this simple rotational burning that encouraged the movement of grazing livestock across the commons. The freshly burnt areas would encourage grazing and in turn, the areas would be dunged, recycling nutrients, and providing the right conditions for the new growth and for seedlings to germinate.

Insurance cover for swaling and any accidental damage to adjoining property is an issue. Whilst individual commoners may well be covered by their own farm insurance for damage to themselves or their property as swaling is an integral part of their business. There is no cover available to anyone else.

- Whilst burning releases carbon, it also locks up carbon in the charcoal produced ([carbon](#))
- The Dartmoor Commons Act states that the consent of the common landowner is required for swaling to be carried out ([Dartmoor Commons Act](#))
- Under the current HLS agreements permission to swale must be granted in writing by Natural England. The process of agreeing to swaling and management on the commons can take many months to develop an accepted plan that is approved by the Natural England project officer and the Rural Payment Agency.

- The grazing commoners have noted that the area of common that is covered with dense Molinia is increasing and there is an insufficient number of livestock available at the right time of year to graze it all and keep the vegetation sweet. Control of the Molinia dominance is seen as a key objective. However, much of this is SSSI and blanket bog. Burning on SSSI and blanket bog is permitted on some commons, but not on others. ([position statement NE](#)) Recent guidelines issued from Natural England no longer permit burning on blanket bog.

Fire breaks and fire plans have been a useful exercise across Dartmoor. The environmental stewardship schemes have benefited the area by ensuring there is some organisation that can help to identify risk and to fight a wildfire alongside the fire service. However, 10 years ago the fuel load was not as much as it is now, and the risks are far greater. Without the environmental land management schemes, it is uncertain if ordinary people would risk so much and fight wildfires?

Wildfires will occur, without the assistance of the dedicated commoners, the fires will be worse. The local knowledge of the commoners is paramount to successful, ongoing management of the commons. The grazing livestock are part of the biodiversity, they have a place, but it must be a healthy place where the flocks and herds can be sustained on nutritious, palatable vegetation. Sustainability is the key and measuring success in all forms is imperative.

Key points:

1. Increasing dominance of molinia as a result of a lack of swaling and appropriate grazing.
2. Increase in the density and area covered by gorse.
3. Lack of insurance cover for managed swaling.
4. Fuel load is increasing due to too few burns and risk of a significant wildfire is high.

Livestock worrying

A person who owns or is in charge of a dog which worries livestock on any agricultural land commits the offence of livestock worrying. The term 'worrying' means⁵:

- Attacking livestock;
- Chasing livestock in such a way as may be reasonably expected to cause injury or suffering; in the case of ewes, this includes abortion or loss or reduction in the number of offspring;

⁵ https://www.ashdownforest.org/downloads/docs/livestock_worrying_leaflet_v3.pdf

- Not having a dog on a lead or under close control when close by, or in a field or enclosure with livestock.

There has always been a problem across Dartmoor of livestock worrying. The Dartmoor Commoners' Council in conjunction with the Dartmoor National Park Authority employ a Livestock Protection Officer. The role of the LPO is diverse, dealing with the public to assist with issues involving livestock.

The Dartmoor Livestock Protection Officer

The Dartmoor Livestock Protection Society (DLPS) initiated the idea to collaborate with the Dartmoor Commoners' Council (DaCC) and jointly fund the job of an animal welfare officer who would be on call to deal with emergencies and other welfare problems and would bring together details about animal welfare issues across the moor. Of particular importance would be to have a well-publicised emergency phone number.

The current Livestock Protection Officer has fulfilled this role for the past nine years.

The Livestock Protection Officer is on call 24 hours a day, available to attend livestock emergencies and to deal with other animal welfare issues across Dartmoor. There are numerous calls from walkers and visitors to the moor sharing concerns for the livestock, it is the role of the LPO to liaise between the public and the farmers/commoners as livestock owners. The contact telephone number is well circulated to the public, police, and other bodies.

The relationship between the commoners as the livestock owners and the Livestock Protection Officer is good. The monitoring role of the LPO is not seen as a threat, but as assistance to the commoner. The commoners value the work undertaken by the LPO. The role of the LPO could quite easily be contentious, but for the fact the farmers consider the LPO has their interests at heart and works as much for them as the Dartmoor livestock. The attitude of the LPO towards the role and the overarching nature of the job is paramount as it has built a deep trust between the LPO and the farmers. Working relationships that develop such an intense trust do achieve great things.

The principal problems occurring on the commons are road traffic accidents (RTAs) and dog attacks on sheep. Severely injured animals are dispatched, with the consent of their owners. Individual animals with any welfare problems are monitored by the LPO who communicates the issues regularly with the commoners. Attendance and records of injuries from RTAs and sheep attacks are recorded and these statistics have proved invaluable in persuading various authorities to

acknowledge that problems do exist. The LPO has a close working relationship with the police to ensure dog control orders are issued to owners of any dogs witnessed attacking sheep and, in many cases, the LPO has enabled monetary compensation for farmers for the loss of their sheep.

The workload of the LPO has increased noticeably over the years, with little doubt that the increasing number of visitors to the moor being the cause of the many problems the livestock have suffered. RTAs are consistently high with a large number of vehicles using the unfenced roads and speeds are commonly recorded way above the 40 mph restriction: on occasions over 100 mph. Dog attacks on sheep are relentless due to many walkers having undisciplined dogs with no means of recall.

Statistics

	<u>RTAs</u>	<u>Dog Attacks</u>
2016	188	68 (not all reports of dog attack
2017	164	66 were being forwarded)
2018	191	106
2019	179	90
2020 (with lockdown)	142	78
01/01/21 – 17/02/21 (with lockdown)	1	18 (six weeks only)

Key Points:

1. Livestock are integral to the Dartmoor commons.
2. The management of the livestock is not fully understood or recognised by the agri environment delivery partners.
3. The impact of a reduction in livestock grazing numbers is not understood fully. There is an impact on the viability of the business and the flock/herd.
4. Understanding and recognising lears and the pattern of livestock movement would be a significant benefit to better delivery of environmental outcomes on an agri environment agreement.
5. Recognising the needs of the livestock is met. Water, food, shelter.

Access and recreation

It is widely recognised that Dartmoor is an important area for access and recreation. The large open spaces and “wildness” are attractive for walkers, campers and sporting enthusiasts. As a result, each year sees high numbers of visitors and with that comes a multitude of problems.

Environmental Schemes

The first environmental stewardship agreements on the Dartmoor commons demanded a decrease in livestock numbers. Every successive agreement has requested further decreases in livestock numbers. During current environmental agreements further requests have been made by Natural England for significant decreases in livestock numbers.

Current environmental agreements have fundamental design faults that do not recognise the individuality of the Dartmoor commons or respect how different the upland vegetation is here in the South West of England, compared to the North of England.

The current schemes are managed by the local commons' associations. These are often, but not always, constituted groups with a management committee dealing with the day-to-day affairs. The majority of those with common rights will be a member of the local commons' association. There is often a separate management group to deal specifically with the agri environment group. The agri environment group is usually separately constituted and governed by an internal deed that all recipients of the HLS funds are party to.

The distribution of funds and the allocation of grazing is undertaken by negotiation within the group. This often causes conflict. There are no informal methods of conflict resolution. The Internal Deed may set out a process of arbitration, but by that stage, serious damage to local relations has usually occurred.

Setting up of agreements is costly and can take years as there are often multiple common owners and many commoners, with the minority as active grazing commoners. Finding a compromise to all the different requirements that a common has to deliver is difficult. Agri environment schemes may encourage collaborative working, but that would be in situations where the individual is party to a collaborative agreement because they want to be, and they are liable for their own business. Common land agreements bring together those with common rights, the individual may not want to be party to an agreement, but the requirement from RPA would be for most common rights holders to sign in. The liability of one business in the common land agreement can impact on another commoner.

The method of seeking permission to undertake works on the commons has changed numerous times over the years. The current practice is to submit a request to the Rural Payments Agency, who then ask natural England for advice. The system is fundamentally flawed. The method is far too lengthy and has moved away from any informality of a conversation with a project officer and all interested parties. The paperwork is circulated many times, it is an inefficient use of everyone's time. There needs to be a significant element of trust placed in the hands of the agreement holders. Agreement holders need to completely understand what they are trying to deliver and to be provided with all the information relevant to that common

A very good example of this would be the All Moors Butterfly Project where Butterfly Conservation worked with farmers on specific commons and told them what needed to be done and when, but what they did not do was to empower the commoners, to tell them what habitat needed to be created and what that habitat would deliver – so enabling the commoners to continue using the knowledge

of what good butterfly habitat looked like. Instead, the communication was poor. Perhaps the details were relayed to the NE PO, but they need to be instilled in the commoner's associations.

Best practice is the DNPA archaeologist who takes the time to explain what is hidden in the undergrowth and how it needs to be exposed, the site is monitored, and the archaeologist continues to inform the commoners and empower them to deliver visible sites.

Current schemes revolve around the advice and knowledge of the project officer, but the project officers are now working in a new manner. It is this shift in working practice that is causing friction within agreements. HLS agreements are governed by the Agreement and the relevant handbook, often dating back to 2010. The RPA now manage agreements and seek advice from NE. It is this change in direct management that has caused significant confusion as agreement holders cannot get direct advice. NE project officers have suggested that agreement holders buy in advice, but this is irrelevant, if the RPA/NE project officers are not able to utilise and trust the advice.

Looking forward, schemes that are not so prescriptive with dates would be beneficial to all. Regular monitoring, regular sign offs to say an agreement has reached a target. Any tweaks to the agreement are carried out by negotiation, for a recognised reason, on a small scale and not significant changes with big impacts that agreement holders find hard to incorporate into their business model that is aligned with the period of the environmental agreement.

Key Points:

1. Grazing livestock of all species, cattle, sheep, and ponies must be valued and sustained.
2. Overwintering of livestock needs careful consideration.
3. Livestock deliver environmental schemes and all year-round costs and requirements associated with them should be considered.
4. Amendments to the agreement often push additional costs onto members. Payments should reflect this..
5. Conflict within agreements and conflict with parties to the agreement needs a specified route to resolution.
6. Distribution of funds within an Association leads to conflict. Guidance, structure and accountability are required.
7. Setting of grazing calendars must be discussed and regularly reviewed, without the strong bias towards livestock removal or reduction.
8. Commons Association, commoners and owners need to be better informed as to what they are delivering, what does good look like?

9. Trust between all parties and respect for all views help to create a worthwhile agreement.
10. Liability. An individual business must not be impacted upon by the actions of others within a collaborative scheme.

The environment and agricultural condition of the Dartmoor commons

The Quartermen interviewed all highlighted the dramatic changes to the vegetation across the Dartmoor commons over the last 20 years. This is due to the significant livestock reductions that occurred because of environmental stewardship agreements.

Many Quartermen believe the cut in grazing livestock numbers was too drastic and the outcomes too severe. Western gorse has thrived in the warm and wet South West with vast areas now coalesced and impenetrable to livestock and people. Molinia grass is now dominating much of the acid grassland and in particular the blanket bog, often forming hummocks with water channels formed in the depressions, the grasses are impinging upon the other blanket bog species, especially the sphagnum mosses.

It is undeniable that there has been a significant change in the vegetation across Dartmoor over the last 20 years. Reference is very often made to the severe drought of 1976 which dried out the peat and caused irreparable damage. The 1980's onwards, saw the overstocking of the commons as a direct result of government policy for affordable food and a government drive for increased food production. However, government policy changed, and current demand is for stronger environmental protection. The past cannot be changed, but the future can be.

Whilst every common may have similar habitats, Molinia, bracken, dwarf shrub heath, western gorse, European gorse, rush, blanket bog, flushes and acid grassland. Every common is different by way of the occurrence and variation of the habitats. Agri-environment schemes are prescriptive, and the indicators of success are listed as per recognised habitat. But every habitat is different and responds differently. The individuality of the common needs to be reflected in the management agreement.

Regular and accurate mapping of the vegetation and the significant changes in vegetative growth that occur during the lifetime of the agreement, is a fundamental requirement. This accurate information would enable management decisions to be based on fact.

Relevant data can inform management changes that achieve desired results. All parties to an agreement should thoroughly understand what indicators of success are desirable at ground level – not from a list. Subjective decisions made by project officers can have a severe negative impact on the working relationships within agreements.

Monitoring of vegetation is a major part of any environmental land management plan, yet it is misunderstood and not undertaken on a regular basis. Some of the Dartmoor commons form part of a larger SSSI designation. These commons should have regular vegetation assessments, but this does not occur on a regular basis and the same exacting methodology is not always undertaken. Poor monitoring impacts on agreements when an assessment is done many years apart.

Grazing livestock reductions

Changes to the stocking calendar can be implemented by Natural England as and when they want to. It can be done at short notice with no financial recompense. For the individual commoner who may be asked to reduce the winter flock by 50% this can be devastating to the breeding programme. Should those sheep be sold or kept on the inbye over the winter, if the inbye is already in a land management contract, then retaining additional sheep at short notice will impact on the viability of the agreement. If the sheep are sold, there is a substantial loss of income and less replacements to select. There are fewer summer sheep, less income and the lear of that flock will not be as strong, the lear will be challenged by other flocks, maybe from other commons coming in to graze. Livestock are not cloud based and a full assessment should be made of the whole implications for livestock reduction.

Commoners understand their patch and the commons of Dartmoor far more than any other person or organisation. They are their consistent. Organisations would do well to work closely with the existing knowledge base of commoners for the creation of holistic management plans.

Key points

1. Commoners take pride in their environment, commons included.
2. Commons are multifunctional landscapes.
3. Commoners are very knowledgeable about their common and this is often an untapped resource.
4. Livestock are not cloud based.
5. Leared flocks and herds must be maintained and recognised for their part in cultural heritage.

Water

Whilst there are some rewetting projects carried out on the Forest of Dartmoor, the peripheral commons are associated with local flood alleviation schemes and clean water supplies. The responsibility of providing clean water and assisting with flood alleviation work may well be outside of the remit of the commons. This may be the responsibility of the owners. As commoners with a right to graze, only have the right to take what the soil produces by the mouths of beasts. There is potential for the projects to impact upon this common right and this must be considered. Commoners express concerns of rewetting areas claiming the lives of animals and causing access issues for them to move their livestock about.

Peat and rewetting

A pilot scheme called The Dartmoor Mires Project ran from 2010 – 2015 ([DMP](#)) This was seemingly by the Magnificent Mires project led by the Devon Wildlife Trust in partnership with the Dartmoor National Park Authority, Dartmoor Preservation Association and the Duchy of Cornwall for the period October 2016 to October 2017. This project funded the production of a detailed GIS map produced in partnership with Exeter University is available [here](#). The aim of this work was to provide accurate and detailed information about the depth of and the location of deep peat as well as mapping bare peat and erosion areas. It was hoped that this would inform future management of the moor.

Recent events have emphasised the need for detailed plans for project areas to be circulated to a wider audience, so any protected areas and essential routes are notified. The permissions required for works undertaken outside of an HLS agreement need to be better understood. Consideration for who is responsible for the project both during the term of the works and beyond the term of the project. Who is responsible for ensuring the SSSI consent, owner's consent, NE consent, RPA consents and Environment Agency consents are all in place? In whose names are the consents applied for?

The rewetting of extensive areas of commons changes the accessible grazing area. The vast areas of re-wetted peat may no longer be accessible or palatable to livestock. Only time will tell if these areas become dangerous and unpalatable to livestock.

The experiences of the commoners who have been involved with peat restoration and flood alleviation schemes on the commons is not good. The commoners consider they are often the last party to be consulted with. The site of potential works for rewetting and flood alleviation needs careful consideration of lears and livestock drove ways. This information would be of considerable benefit in the planning stage of projects.

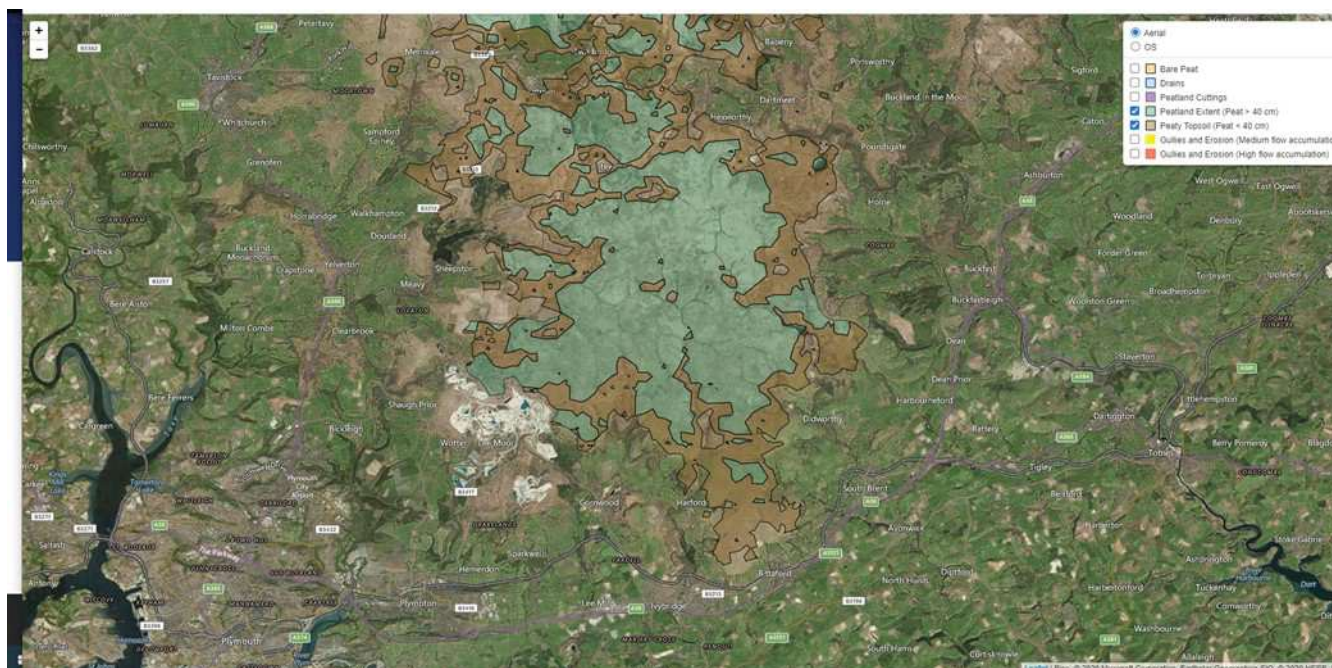
Some rewetted areas are a risk to livestock as they can become stuck. The habitat changes may affect livestock with suitable conditions for bog asphodel (*Narthecium ossifragum*) to thrive. See [here](#) for more information. Bog asphodel can become toxic to livestock.

The Forest of Dartmoor has an option within the land management agreement for peat re-wetting. Many of the peripheral commons that are now being targeted for re-wetting projects do not have the same option within the HLS, therefore receive no payment. Future schemes may well offer a financial incentive to re-wet further areas. This disparity between who receives a payment and who does not couple with who may is unjust. There is no guarantee that because a re-wetting project has been undertaken, payment rates will be higher to reflect what has been done.

Key points

1. Ensure all parties, are consulted early in the project.

2. Ensure the Commoners and the Commoners Associations are safeguarded from responsibility of the project.
3. Ensure all permissions are sought and the Commoners Associations hold copies.



The International Union for the Conservation of Nature ([IUCN](#)) is the home of the UK Peatland Strategy with the aim of conservation and [management of peatland](#).

Who manages the commons?

The role of the owner

Current land management schemes require the owners of common land, where known, to countersign agreements. Many landowners are passionate about their commons, yet their participatory role within agreements varies. Some landowners have a strong influence on management decisions, whilst others do not. The role of the common landowner is not always clear. Further work needs to be undertaken to look at landowners' obligations as far as risk, swaling, SSSI targets and common rights of various forms.

Dartmoor Commoners Council

Under the Dartmoor Commons Act (1985), the Dartmoor Commoners' Council was established to represent the commoners, make regulations about most matters, which concern the management of the commons and the welfare of the stock de-pastured on the commons, and to enforce the Dartmoor Commoners' Council Regulations

The Commoners' Council makes regulations about most matters, which concern the management of the commons, the welfare of the stock de-pastured there and arbitrates in disputes between commoners. When

necessary it enforces against breaches of the Regulations by going to court. The National Park Authority makes byelaws to regulate public access and behaviour under the same Act.⁶

Cultural Heritage

Commons, commoning and environmental agreements are now of great interest to so many people and organisations who all want to contribute and offer their expertise on how things should be done. Many of those that either have a say in the management of the commons or are a consultation body are paid to be there. Whatever input they provide it does not impact upon them personally. For commoners, any input affects the business and the home as they are both interlinked. There needs to be much more recognition of the integral part that the commons play with the business structure of the moorland farm. It is not only the business structure, but the history of the farm and the farming family. This is the Intangible cultural heritage, defined as the practice, representation, expression, knowledge or skill that are part of a place's cultural heritage, the nonphysical intellectual wealth. There is reference to the intangible cultural heritage and recognition of the part it plays in the Dartmoor landscape [here](#)

The intangible cultural heritage includes the hefts and lears of the livestock, the sense of place of the people, the depth of knowledge held by the moor men and woman, handed down from their predecessors, the interaction with the landscape and observing the changes. The ones who see the changes are the commoners who have lived their whole lives on Dartmoor. The passion for their landscape is absolute yet is not valued by the environmental land management schemes or the delivery body of such schemes. It is widely accepted that a shared vision and a mutual understanding of the objectives required by all parties to an agreement bring better results. The shared vision makes for a better working relationship.

It would be beneficial to have a shared vision for the vegetation management that not only recognised the environmental requirements, but the sustainability of the farmed livestock and acknowledgement that they have needs too. Including palatable nutritious vegetation and where this is not available and the livestock are offered rank vegetation, then supplemental feeding may well be in order as the welfare of the livestock is paramount.

There may be a requirement to clear some areas of dense vegetation for reasons that are not for environmental benefit, such as tick-borne diseases. The welfare of the livestock is paramount.

⁶ Taken from DCC website

Abandonment

Abandonment is a stark reality, commoners, if pushed too far will adapt and change their businesses to survive, they always have done.

But what if there are no agreements on common land, or Agreements that dictate an unviable stocking level, unviable in that it does not permit a farm to maintain an adequate number of cattle or sheep to support the business and to support the replenishment of breeding livestock. There would be a loss of the lears, those strong family ties that associate a cow or a sheep to a position on the common. The true meaning of a sense of place.

Without the livestock, we lose the knowledge associated with our moorland so embedded in the moorland community. The local names of places, the safe travel routes across the moor, the understanding of the interaction of weather on the livestock. All will go. There will be a significant impact on the livestock breeds so suited to this landscape. The Galloway cow, the Scotch Blackface and Swaledale sheep, the Dartmoor pony. The numbers will reduce, the hardiness will be lost, there will be breed changes. Once those breeds, with their disease tolerance levels have been lost, replacing them will be an exceedingly difficult task for future generations.

Whilst many consider a significant reduction in livestock numbers will be beneficial to the habitat, there are the unknown implications that should be considered. With a reduction in livestock, there is a reduction in dung. It is very noticeable as you travel out across the vast open space of the central moor how the skylarks and the meadow pipits are more concentrated around the areas grazed by livestock. The dung attracts insects and the birds feed on the insects.

What is the worse that could happen? Abandonment. For the larger tenanted farms, it is easy enough to rent a lovely remote farmhouse, but who wants to farm an unviable, unhealthy plot of land. With the loss of the farmer and the farm business, the web of business suppliers also suffers. No longer does the farmer need to buy heating oil, diesel, tractor parts, animal feed, the list goes on. Each farming business on Dartmoor easily supports another 50 businesses. There is also the social cohesion, the farming business has its roots in the community, having the local knowledge of drains and water courses, often linked to the Parish Council or Meeting and help when a tree comes down or snow to be cleared. It will not just be the farmer that has left the land, it will be the local suppliers that feel the pinch. There will not be anyone to go up and tend a wildfire on the common or control burn. There just is not the manpower available. The upland farmers and the commoners are pivotal to a thriving rural community – look after them value their common rights and the delicate balance between environment and viable farming can be achieved. But the environment will suffer without the commoning farmer.

The influences on the future management of the commons are now more urban than rural. Not all ideas for the future of the commons are compatible with grazing. Tree planting in localized areas may well be beneficial but large-scale woodland is not compatible with grazing. The re-wilding debate continues, dependent upon the scale and the species, if it were the enigmatic flagship species such as Marsh Fritillary butterflies and otter, then it could be discussed, but some species would not be appropriate, neither would complete abandonment of the area as the landscape as we know it would be lost forever.

The working relationship with the various organisations has suffered a breakdown. A shared vision is imperative to a good working relationship. But the relationship between farmers and the Dartmoor National Park is often strained as is the relationship with Natural England. Good working relationships would be a benefit to the landscape. Work needs to be done on rebuilding the trust that has been lost.

The Site of Special Scientific Interest on Dartmoor is a UK designation and a driver for the future management. Not all of the Dartmoor commons are covered by this important designation, but a great area is. The SSSI targets have changed by Government over the years as the targets have been missed. These targets are the drivers for management. It may be questioned if they are the right targets to be setting.

Dartmoor is a place for all, but some work needs to be done to reinstate balance and harmony.

Operations likely to damage the special interest

Site name: East Dartmoor, Devon

OLD1000749

Ref. No.	Type of Operation
1	Cultivation, including ploughing, rotovating, harrowing, and re-seeding.
2	Grazing and changes in the grazing regime (including type of stock, intensity or seasonal pattern of grazing and cessation of grazing).
3	Stock feeding and changes in stock feeding practice.
4	Mowing or other methods of cutting vegetation and changes in the mowing or cutting regime (including hay making to silage and cessation).
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 or plant remains, including herb, moss, lichen, fungus, turf and peat.
12	The introduction of tree and/or woodland management including afforestation and planting.
13a	Drainage (including moor-gripping and the use of mole, tile, tunnel or other artificial drains).
13b	Modification of the structure of watercourses (eg streams, springs, ditches, drains), 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 ditches, drains, pools, marshes or pits.
16a	The introduction of freshwater fishery production and/or management, including sporting fishing and angling.
20	Extraction of minerals, including peat, sand and gravel, topsoil and subsoil.
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 on or against rock outcrops.
23	Erection of permanent or temporary structures, or the undertaking of engineering works, including drilling.
24	Modification of natural or man-made features (including cave entrances), clearance of boulders, large stones, loose rock or scree and battering, buttressing or grading rock-faces and cuttings, infilling of pits and quarries.
26	Use of vehicles likely to damage or disturb features of interest.
27	Recreational or other activities likely to damage features of interest.
28	Introduction of or changes in game and waterfowl management and hunting practice.

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

Operations likely to damage the special interest

Site name: Dendles Wood

OLD1003586

Ref. No.	Type of Operation
1	Cultivation, including ploughing, rotovating, harrowing, and re-seeding.
2	Grazing and changes in the grazing regime (including type of stock, intensity or seasonal pattern of grazing and cessation of grazing).
3	Stock feeding and changes in stock feeding practice.
4	The introduction of or changes in the mowing regime 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 or plant remains, including tree, shrub, herb, hedge, dead or decaying wood, moss, lichen, fungus, leaf-mould and turf.
12	Tree and/or woodland management+. The introduction of and changes in tree and/or woodland management+.
13a	Drainage (including the use of mole, tile, tunnel or other artificial drains).
13b	Modification of the structure of watercourses (eg rivers, streams, springs, ditches and drains), 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 ditches, drains, pools or marshes.
16a	The introduction of and changes in freshwater fishery production management, including sporting fishing and angling.
20	Extraction of minerals, including peat, topsoil, subsoil 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.
24	Modification of natural or man-made features, clearance of boulders, large stones, loose rock or scree.
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	Introduction of and changes in game and waterfowl management and hunting practice.

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

+ including afforestation, planting, clear and selective felling, thinning, coppicing, modification of the stand or underwood, changes in species composition, cessation of management.

Operations likely to damage the special interest

Site name: North Dartmoor, Devon

OLD1001721

Ref. No.	Type of Operation
1	Cultivation, including ploughing, rotovating, harrowing, and re-seeding.
2	Grazing and changes in the grazing regime (including type of stock, intensity or seasonal pattern of grazing and cessation of grazing).
3	Stock feeding and changes in stock feeding practice.
4	Mowing or other methods of cutting vegetation and changes in the mowing or cutting regime.
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 or plant remains, including tree, shrub, herb, hedge, dead or decaying wood, moss, lichen, fungus, leaf-mould and turf.
12	The introduction of or changes in tree or woodland management+.
13a	Drainage (including moor-gripping and the use of mole, tile, tunnel or other artificial drains).
13b	Modification of the structure of watercourses (eg rivers, streams, springs, ditches, dykes and drains), 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 ditches, dykes, drains, ponds, pools, marshes or pits.
16a	The introduction of and changes in freshwater fishery production management, including sporting fishing and angling.
20	Extraction of minerals, including peat, shingle, sand and gravel, topsoil and subsoil.
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.
24	Modification of natural or man-made features (including cave entrances), clearance of boulders, large stones, loose rock or scree and battering, buttressing or grading rock-faces and cuttings, infilling of pits and quarries.
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	Game and waterfowl management and hunting practices.

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

+ including afforestation, planting, clear and selective felling, thinning, coppicing, modification of the stand or underwood, changes in species composition, cessation of management.

Operations likely to damage the special interest

Site name: South Dartmoor, Devon

OLD1002951

Ref. No.	Type of Operation
1	Cultivation, including ploughing, rotovating, harrowing, and re-seeding.
2	Grazing and changes in the grazing regime (including type of stock, intensity or seasonal pattern of grazing and cessation of grazing).
3	Stock feeding and changes in stock feeding practice.
4	Mowing or other methods of cutting vegetation and changes in the mowing or cutting regime (including hay making to silage and cessation).
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 or plant remains, including tree, shrub, herb, hedge, dead or decaying wood, moss, lichen, fungus, leaf-mould and turf.
12	The introduction of tree or woodland management including afforestation and planting.
13a	Drainage (including moor-gripping and the use of mole, tile, tunnel or artificial drains).
13b	Modification of the structure of watercourses (eg rivers, streams, springs, ditches, dykes and drains), 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 ditches, dykes, drains, ponds, pools, marshes or pits.
16a	The introduction of and changes in freshwater fishery production and/or management, including sporting fishing and angling.
20	Extraction of minerals, including peat, sand and gravel, topsoil and subsoil.
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.
24	Modification of natural or man-made features (including cave entrances), clearance of boulders, large stones, loose rock or scree and battering, buttressing or grading rock-faces and cuttings, infilling of pits and quarries.
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	Game and waterfowl management and hunting practices.

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

Operations likely to damage the special interest

Site name: **Tor Royal Bog**

OLD1003102

Ref. No.	Type of Operation
1	Cultivation, including ploughing, rotovating, harrowing, and re-seeding.
2	Changes in the grazing regime (including type of stock or intensity or seasonal pattern of grazing and cessation of grazing).
3	The introduction of or changes in stock feeding practice.
4	The introduction of or changes in the mowing or cutting regime (including hay making to silage and cessation).
5	Application of manure, fertilisers and lime.
6	Application of pesticides, including herbicides (weedkillers).
7	Dumping, spreading or discharge of any materials.
8	Burning (and) changes in the pattern or frequency of burning.
9	The release into the site of any wild, feral or domestic mammal, reptile, amphibian, bird, fish or invertebrate, or any plant or seed.
10	The killing or removal of any wild mammal, reptile, amphibian, bird, fish or invertebrate, including pest control.
11	The destruction, displacement, removal or cutting of any plant or plant remains, including tree, shrub, herb, hedge, dead or decaying wood, moss, lichen, fungus, leaf-mould and turf.
12	The introduction of or changes in tree or woodland management including afforestation, planting, clear and selective felling, thinning, coppicing, modification of the stand or underwood, changes in species composition, cessation of management.
13a	Drainage (including moor-gripping and the use of mole, tile, tunnel or other artificial drains).
13b	Modification of the structure of watercourses (eg rivers, streams, springs, ditches, dykes, drains), 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 ditches, dykes, drains, ponds, pools, marshes or pits.
16a	The introduction of or changes in freshwater fishery production management including sporting fishing and angling.
20	Extraction of minerals, including peat, shingle, sand and gravel, topsoil, subsoil, chalk, lime, limestone pavement, 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 game and waterfowl management and hunting practice.

Operations likely to damage the special interest

Site name: **Wistman's Wood**

OLD1001201

Ref. No.	Type of Operation
1	Cultivation, including ploughing, rotovating, harrowing, and re-seeding.
2	Grazing or changes in the grazing regime (including type of stock or intensity or seasonal pattern of grazing and cessation of grazing).
3	Stock feeding or changes in stock feeding practice.
4	Mowing or other methods of cutting vegetation or changes in the mowing or cutting regime.
5	Application of manure, fertilisers and lime.
6	Application of pesticides, including herbicides (weedkillers).
7	Dumping, spreading or discharge of any materials.
8	Burning or changes in the pattern or frequency of burning.
9	The release into the site of any wild, feral or domestic mammal, reptile, amphibian, bird, fish or invertebrate, or any plant or seed.
10	The killing or removal of any wild mammal, reptile, amphibian, bird, fish, or invertebrate animal, including pest control.
11	The destruction, displacement, removal or cutting of any plant or plant remains, including tree, shrub, herb, hedge, dead or decaying wood, moss, lichen, fungus, leaf-mould or turf.
12	The introduction of or changes in tree or woodland management including afforestation, planting, clear and selective felling, thinning, coppicing, modification of the stand or underwood or changes in species composition.
13a	Drainage (including moor-gripping and the use of mole, tile, tunnel or other artificial drains).
13b	Modification of the structure of watercourses (eg rivers, streams, springs, ditches, or drains), 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 ditches, drains, ponds, pools, marshes or pits.
16a	The introduction of or changes in freshwater fishery production or management, including sporting fishing and angling.
20	Extraction of minerals, including peat, shingle, sand and gravel, topsoil or subsoil.
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.
24	Modification of natural or man-made features, clearance of boulders, large stones, loose rock or scree.
26	Use of vehicles or craft likely to damage or disturb features of interest.
27	Recreational 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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Latest News

Dartmoor Commoners' Council Elections 2024

The following commoners have been appointed on to Council with effect from 1 July 2024: North: Mr John Cooper, Ms Tracy May & Mrs Kate Little So [More...](#)

INDEPENDENT REVIEW OF PROTECTED SITE MANAGEMENT ON DARTMOOR

Council's response to Review Recommendations - Dartmoor Commoners Council acknowledges the time and effort put into compiling this review by David [More...](#)

Loss of Livestock

Council is continuing to monitor reports of missing livestock in order to gain a better understanding of the scale of the issue, be able to identify i [More...](#)

Dartmoor is an upland region of moorland in the county of Devon, in the southwest of England. It covers approximately 368 square miles, and rises to 621m (2037 ft) above sea level. Underlying the moor is Carboniferous granite, which is visible at the surface as tors - rocky outcrops at the summits of many of the hills.

The Moor was designated a National Park in 1951. Nearly 36000 hectares (88900 acres) of the Park is common land, some 37% of the Park's whole area and more than 75% of its moorland. Importantly, the commons form the heartland of Dartmoor and that vast open space which is the main reason for its National Park status.

Under the Dartmoor Commons Act (1985), the Dartmoor Commoners' Council was established to represent the commoners, make regulations about most matters, which concern the management of the commons and the welfare of the stock de-pastured on the commons, and to enforce the Dartmoor Commoners' Council Regulations.

Privacy Policy

Your privacy is important to us and we take our responsibility regarding the security of your personal information very seriously. To reflect the newest changes in data protection law, and our commitment to transparency, we have produced a Privacy Statement. If you'd like to find out more, take a look at our [Privacy Policy](#).

Sick & Injured Animals on Dartmoor

Contact [Livestock Protection Officer](#) Karla McKechnie on 07873 587561

Road Traffic Incidents Involving [More...](#)



Dartmoor Commoners' Council, 1 Canal Road, Tavistock, Devon, PL19 8AR Tel: 01822 618892

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HM Government

Environmental Improvement Plan 2023

First revision of the
25 Year Environment Plan



Published by the Department for Environment, Food and Rural Affairs

Presented to Parliament pursuant to Section 10(6) of the Environment Act 2021



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This publication is also available from our website at www.gov.uk/government/publications/environmental-improvement-plan.

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2. Restoring our protected sites on land

We have committed to restore 75% of protected sites to favourable condition by 2042, which is crucial to delivering our wider biodiversity commitments. Our protected sites are also a part of delivering our international commitments, such as the Emerald Network, Ramsar Convention and Convention on Biological Diversity. There are currently 4,128 SSSIs located across the country, covering all priority habitats and many characteristic, rare and threatened species. 915 are purely geological sites. These important sites are under increasing pressures, not least from climate change, pollution, development and invasive species.

We are:

- Updating the evidence on site condition and required action to maintain or improve the condition of all 4,128 sites over the next five years.
- Implementing a whole feature assessment approach, to improve our understanding of how sites are functioning and where interventions will deliver the greatest return on investment.
- Developing more strategic actions through new Protected Sites Strategies, building on the existing pilot partnerships covering 33 SSSIs which launched in Spring 2022 and will complete by 2025.
- Continuing to implement the designations programme to consider further places suitable to become sites of scientific interest.
- Delivering the £5.6 million Conservation and Enhancement Scheme to improve and maintain the condition of those SSSIs not currently eligible for existing agri-environment schemes, for example because they are not agricultural holdings.
- Supporting appropriate and sustainable farmland management, including by reducing the impact of invasive non-native species and addressing pressures such as nutrient or sediment run-off contributing to poor water quality.

We will restore 75% of protected sites to a favourable condition by 2042. This is critical to our biodiversity commitments



- Using powers in existing legislation appropriately to support more effective management of protected sites.

We will continue to work in partnership with the Major Landowners Group, regulators and other stakeholders to address pressures affecting SSSIs and to implement a programme of site improvement. This will include working with farmers to provide advice and help them secure funding to implement necessary land management changes; working at a catchment scale with partners to improve water quality and supply issues; and delivering regulation in a fair and proportionate manner alongside other public bodies to prevent harm and improve site condition. This work will include targeting eight key areas covering 145 SSSIs to drive their wider programme of site improvement.

As part of the guidance for public authorities to implement the biodiversity duty, which came into force on 1 January 2023, we will make clear our expectation that they must be consistent with their duties to conserve SSSIs, take efforts to restore their protected sites. We expect all public authorities to ensure they have management plans in place, by the end of the year, to support their sites to reach favourable status. We will also set out expected improvements to Protected Sites within National Parks and AONBs within our Protected Landscapes outcomes framework and refreshed management plan guidance, as set out in the previous section.

We are clear that damaging activities must be tackled with greater urgency. Where appropriate we will make full use of existing powers to improve the natural environment. This includes, for example, issuing Statutory Management Notices. We will also assess where we can tackle legacy consents on SSSIs that negatively impact sites.

Restore our water-dependent protected sites

A majority (67%) of our most precious water bodies are also protected sites. These sites deliver a range of services, such as water purification and climate adaptation or mitigation, and provide people with the opportunity to spend time in nature. Blue carbon habitats such as saltmarsh and seagrass – the majority of which are in protected areas – play an important role in supporting adaptation and resilience to climate change, alongside carbon sequestration benefits. We need to continue to restore these sites so that

Mrs Sara Sloman
Secretary
Dartmoor Commoners' Council
1 Canal Road
Tavistock
Devon
PL19 8AR

Tel: 01822 618892
email: office@dartmoorcommoners.org.uk

Working hours are flexible but generally Mon to Fri 9am to 1pm. However, I am not always in the office during these hours. Preferred contact method is by email & I will respond as soon as practicable.

From: Tony Whitehead <[REDACTED]>
Sent: 03 June 2024 08:04
To: Phillip French <[REDACTED]>; Sara Sloman - Dartmoor Commoners' Council <office@dartmoorcommoners.org.uk>
Cc: Guy Shrubsole <[REDACTED]>
Subject: Re: Dartmoor Commoners' Council – Requests for information under the EIRs 2004

Good morning

Could the Council acknowledge receipt of the EIR request below and confirm you will be responding within the statutory deadline.

many thanks

Tony Whitehead
Guy Shrubsole

On Fri, May 17, 2024 at 4:58 PM Tony Whitehead <[REDACTED]> wrote:

| Dear Mr French

Dartmoor Commoners' Council – Requests for information under the EIRs 2004

In pursuit of recent questions to the council (at the meeting on 24/01/2024) and following the replies sent to Guy Shrubsole and myself, we are interested in how Dartmoor Commoners Council, as a statutory body, complies with legal obligations and uses its powers regarding nature protection and related management of stocking levels on the commons of Dartmoor.

As DCC is a public/statutory body with duties related to the environment (as you have stated in your recent email response to Guy), this is a request for information under the Environmental Information Regulations (EIRs) 2004. Please release to us the following information:

1. Please confirm that the [Regulations](#), as prepared under Section 5 of the Dartmoor Commons Act 1985, remain in force.
2. Has Dartmoor Commoners Council made any other regulations or rules under the Dartmoor Commons Act 1985 or otherwise relating to stocking levels on Dartmoor? If so, please can we have details/copies?
3. Regulation 9 allows Dartmoor Commoners Council to make limitation notices in relation to stocking levels. Has the Council made any limitation notices (or similar)? Please provide copies of them.
4. Please provide copies of any documents that show how Dartmoor Commoners Council has taken into account "the conservation and enhancement of the natural beauty of the area" (as worded in the 1985 Act) when it comes to controlling stocking levels, including its consideration of regulation 9 and in the making of any limitation notices. If it has not done so, please explain why not.
5. Please provide copies of any documents that show how Dartmoor Commoners Council has given effect to section 28G of the Wildlife and Countryside Act 1981 when it comes to controlling stocking levels (including its consideration of regulation 9 and in the making of any limitation notices). If it has not done so, please explain why not.
6. Please provide copies of any documents that show how DCC has given effect to regulation 9(3) of the Habitats Regulations 2017 when it comes to controlling stocking levels (including its consideration of regulation 9 and in the making of any limitation notices). If it has not done so, please explain why not.

We look forward to receiving your response as soon as possible and no later than 20 working days after the date of receipt of the request in accordance with [Reg 5\(2\) EIRs 2004](#).

Thanks and best wishes

Tony Whitehead and Guy Shrubsole



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Dartmoor Commoners' Council
1 Canal Road, Tavistock,
PL19 8AR

Office Hours: Monday to Friday
9:00 am to 1:00 pm
Tel: 01822 618892

Email: office@dartmoorcommoners.org.uk

Letter by email: Tony Whitehead

24 June 2024

[REDACTED]
Guy Shrubsole
[REDACTED]

Dear Tony & Guy

Request for information under Environmental Information Regulations 2004

Thank you for your request for environmental information received on 17 May 2024. Please accept my apologies for the delay in responding; I have been on annual leave and the office was closed until Wednesday 29 May 2024. Hopefully, you received an 'out of office' acknowledgement stating this and I therefore suggest that it would be reasonable for the 20-working day time limit in which a response is given commences from the date the office reopened i.e., 29 May.

However, Council has sought advice from the Information Commissioner's Office and, following a discussion at last week's Council Meeting, considers it doubtful that the Dartmoor Commoners' Council is subject to the Environmental Information Regulations (EIR) requests. Schedule 1 of the Freedom of Information Act (FOIA) lists the organisations covered by the FOIA and the EIR. It is a detailed list and does not include any bodies such as the Dartmoor Commoners' Council. Furthermore, Regulation 2 (2) (d) states: *Subject to paragraph (3), "public authority" means:*

- (a) *government departments*
- (b) *any other public authority as defined in section 3(1) of the Act, disregarding for this purpose the exceptions in paragraph 6 of Schedule 1 to the Act, but excluding –*
 - (i) *any body or office-holder listed in Schedule 1 to the Act only in relation to information of a specified description; or*
 - (ii) *any person designated by Order under section 5 of the Act;*
- (c) *any other body or other person, that carries out functions of public administration; or*
- (d) *any other body or other person, that is under the control of a person falling within sub-paragraphs (a), (b) or (c) and*
 - (i) *has public responsibilities relating to the environment;*
 - (ii) *exercises functions of a public nature relating to the environment; or*
 - (iii) *provides public services relating to the environment.*

Nevertheless, the response agreed by Council is set out below.

1. The Regulations, as prepared under Section 5 of the Dartmoor Commons Act 1985 remain in force.
2. Dartmoor Commoners' Council has produced a number of Codes of Guidance in pursuance of Regulations under the Dartmoor Commons Act 1985. Copies of these are attached. Furthermore, Council has, from time to time, issued guidance to Commoners on a case-by-case basis. Further details may be found in the Minutes of meetings held (see below*).
3. Council has not issued any limitation notices in relation to stocking levels during the past 10 years. However, it may have done so before and details may be found in the Minutes of meetings held (see below*).
4. There is no such documentation held. There may be references made in the Minutes of meetings held (see below*). The controlling of stocking levels, to which we believe you refer to, where required, has hitherto generally been undertaken by Defra (and previously, MAFF).
5. There is no such documentation held. Please refer to point 4 above.
6. There is no such documentation held.

*The Minutes of meetings held by Dartmoor Commoners' Council act as a record of all the decisions made by the Council. All Minutes, since the formation of Council in 1986 have been retained and are not to be destroyed after a 7-year period as with all of Council's other documentation and records. Since 2013, Council has electronic copies of its Minutes and these have been in the public domain from this time. Copies of these are attached for your information and the Minutes for meetings held in 2024 are available on the website [Meetings \(dartmoorcommonerscouncil.org.uk\)](https://www.dartmoorcommonerscouncil.org.uk). Minutes prior to this date are in the process of being digitalised.

Yours sincerely

Sara Sloman

Mrs Sara Sloman

Secretary

Dartmoor Commoners' Council

Working hours are flexible but generally Mon to Fri 9am to 1pm. However, I am not always in the office during these hours. Preferred contact method is by email & I will respond as soon as practicable.

Wildlife and Countryside Act 1981 c. 69

s. 28G Statutory undertakers, etc.: general duty.



Version 2 of 2

1 October 2006 - Present

Subjects

Environment

Keywords

Powers rights and duties; Sites of Special Scientific Interest; Statutory undertakings

England and Wales

[

28G.— Statutory undertakers, etc.: general duty.

(1) An authority to which this section applies (referred to in this section and in [sections 28H and 28I](#) as “a [section 28G](#) authority”) shall have the duty set out in subsection (2) in exercising its functions so far as their exercise is likely to affect the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of special interest.

(2) The duty is to take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.

(3) The following are [section 28G](#) authorities—

- (a) a Minister of the Crown (within the meaning of the [Ministers of the Crown Act 1975](#)) or a Government department;
- (b) the National Assembly for Wales;
- (c) a local authority;
- (d) a person holding an office—
 - (i) under the Crown,
 - (ii) created or continued in existence by a public general Act of Parliament, or
 - (iii) the remuneration in respect of which is paid out of money provided by Parliament;
- (e) a statutory undertaker [...] ²; and
- (f) any other public body of any description.

[

(4) “*Statutory undertaker*” means a person who is or is deemed to be a statutory undertaker for the purposes of any provision of [Part 11](#) of the [Town and Country Planning Act 1990](#).

]³]¹

Scotland

[NOTE: not yet in force otherwise.]

Notes

- 1 Substituted by Countryside and Rights of Way Act 2000 c. 37 [Sch.9 para.1](#) (January 30, 2001)
 - 2 Words repealed by Natural Environment and Rural Communities Act 2006 c. 16 [Sch.12 para.1](#) (October 1, 2006 as SI 2006/2541)
 - 3 Added by Natural Environment and Rural Communities Act 2006 c. 16 [Sch.11\(1\) para.81\(3\)](#) (October 1, 2006)
-

Part II NATURE CONSERVATION, COUNTRYSIDE AND NATIONAL PARKS > Sites of special scientific interest and limestone pavements > s. 28G Statutory undertakers, etc.: general duty.

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Dartmoor Commons Act 1985 c. xxxvii

s. 2 Interpretation.



Version 1 of 1

30 October 1985 - Present

Subjects

Local government

Keywords

Commoners; County councils; Devon; Interpretation; Local authorities' powers and duties

2.— Interpretation.

(1) In this Act, unless the context otherwise requires—

“*the Act of 1949*” means the [National Parks and Access to the Countryside Act 1949](#);

“*the Act of 1965*” means the [Commons Registration Act 1965](#);

“*the Act of 1972*” means the [Local Government Act 1972](#);

“*the appointed day*” means 30th June 1986;

“*commoners*” means the respective persons entitled to exercise rights of common upon the commons, being rights registered (whether for the time being provisionally or finally) under the Act of 1965 or registered under the Land Registration Acts 1925 and 1936;

“*commoners' association*” means each of the bodies of commoners specified in [Part I of Schedule 3](#) to this Act but without prejudice to [Part II](#) of that Schedule; and “*the commoners' associations*” means all those associations;

“*the commons*” means subject to any addition, extinction, exchange or variation as respects any part thereof effected under or by virtue of any enactment authorising the acquisition of land, so much of the land in the districts of South Hams, Teignbridge and West Devon in the county of Devon as is on the passing of this Act registered in the register of common land maintained by the county council of Devon under the Act of 1965 and lies within the areas edged in pink on the plan of which five copies have been signed by Mr. Ivor Stanbrook the chairman of the committee of the House of Commons to whom the Bill for this Act was referred and deposited respectively at—

- (a) the office of the Clerk of the Parliaments, House of Lords;
- (b) the Private Bill Office of the House of Commons;
- (c) the Department of the Environment;
- (d) the office of the proper officer (within the meaning of [section 270\(3\)](#) of the Act of 1972) of the county council; and
- (e) the office of the secretary of the Commoners' Council, as soon as may be after his appointment under this Act after the appointed day:

Provided that there shall be excluded from the commons any land which is provisionally registered for the purposes of the Act of 1965 until its registration has become final and any land which may, for the time being, be excepted land for the purposes of [section 10](#) of this Act;

“*the Commoners' Council*” means the Dartmoor Commoners' Council constituted by this Act;

“*enactment*” includes an enactment in any Act, including this Act, and in any order, byelaw, scheme or regulation in force within the county;

“*financial year*” means the 12 months ending 30th June or such other date as may for the time being be determined by resolution of the Commoners' Council;

“*livestock unit*” means one horse, one cattle beast or 5 sheep;

“*newspaper advertisement*” means an advertisement in a local newspaper circulating in the area of the commons;

“*owner*” , in relation to land, has the same meaning as it has for the purposes of [Parts I, II and IV to VI](#) of the Act of 1949;

“*the Park Authority*” means the county council of Devon or other the body exercising the functions mentioned in [paragraph 5 of Part I of Schedule 17](#) to the Act of 1972 (planning and countryside functions in National Parks) in relation to Dartmoor National Park;

“*the register*” means the register prepared and kept under [section 7](#) of this Act;

“*the secretary of the Commoners' Council*” includes any person for the time being authorised by the Commoners' Council to discharge the duties of secretary of the Commoners' Council;

“*standard scale*” shall be construed in accordance with [section 75](#) of the [Criminal Justice Act 1982](#)..

(2) The functions of the Park Authority under this Act, other than the power to make byelaws under [section 11](#) of this Act, shall be included among the functions of the county council of Devon mentioned in [paragraph 5 of Part I of Schedule 17](#) to the Act of 1972.

(3) References in this Act to the conservation of the natural beauty of any area shall be construed as including references to the conservation of its flora, fauna, ecological, archaeological and geological and physiographical features.

Part I PRELIMINARY > s. 2 Interpretation.

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s. 3 Establishment of Commoners' Council.



Version 1 of 1

30 October 1985 - Present

Subjects

Local government

Keywords

Commoners; County councils; Devon; Local authorities' powers and duties; Members

3.— Establishment of Commoners' Council.

- (1) On the appointed day there shall be constituted a Council to be called “the Dartmoor Commoners' Council” for the purpose of exercising the functions assigned to them by this Act.
- (2) The Commoners' Council shall consist of not less than 26 and not more than 28 members, of whom 26 shall be appointed as follows:
 - (a) 16 by the commoners in manner prescribed by [paragraphs 9 to 13 of Schedule 1](#) to this Act;
 - (b) 2 by the Park Authority one of whom shall be a person appointed to the Park Authority in accordance with [paragraph 11 of Schedule 17](#) to the Act of 1972 (appointments by the Secretary of State);
 - (c) one by the Duchy of Cornwall;
 - (d) 2, being persons appearing to represent the interests of owners (other than the Duchy of Cornwall and the Park Authority) of lands forming part of the commons, by the Park Authority;
 - (e) one veterinary surgeon by members appointed pursuant to paragraphs (a) to (d) above and (I) below whose practice does not include the care of any livestock grazing in Dartmoor National Park;
 - (f) 4 by the commoners in manner prescribed by [paragraphs 2 to 11, 12\(2\) and \(3\) and 13 of Schedule 1](#) to this Act, being commoners entitled under the Act of 1965 to graze less than 10 livestock units on the commons and whose names are recorded in the register as normally grazing an animal or animals.
- (3) The Commoners' Council may co-opt not more than two persons as members of the Commoners' Council who shall respectively hold office for such period not exceeding four years and otherwise on such terms and conditions as may be specified upon appointment.
- (4) The provisions set out in [Schedule 1](#) to this Act shall have effect as respects the appointment of members of the Commoners' Council.
- (5) The incidental provisions set out in [Schedule 2](#) to this Act shall apply in relation to the Commoners' Council and the members thereof.

Part II DARTMOOR COMMONERS' COUNCIL > s. 3 Establishment of Commoners' Council.

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s. 4 Functions of Commoners' Council.



Version 1 of 1

30 October 1985 - Present

Subjects

Local government

Keywords

Commoners; County councils; Devon; Local authorities' powers and duties

4.— Functions of Commoners' Council.

(1) Subject to this Act, it shall be the duty of the Commoners' Council to take such steps as appear to them to be necessary and reasonably practicable for the maintenance of the commons and the promotion of proper standards of livestock husbandry thereon (including the assessment of the number of animals which can properly be depastured on the commons from time to time); and in discharging that duty the Commoners' Council shall have regard to the conservation and enhancement of the natural beauty of the commons and its use as a place of resort and recreation for enjoyment by the public.

(2) Subject to subsection (3) below, the Commoners' Council may—

- (a) protect the commons and render assistance to any commoner in the maintenance of his rights of common;
- (b) burn heather, gorse, grass and bracken on the commons to such extent as in their opinion is desirable for purposes of livestock husbandry;
- (c) plant clumps of trees (not exceeding one acre as respects any clump) for the protection of animals depastured on the commons, and fence and enclose trees following any such planting for as long as may be necessary to afford protection from animals:

Provided that any tree so planted shall be of a broad-leaved species naturally growing on Dartmoor and any clump so planted shall be not less than one mile from any other clump of trees;

- (d) enter into agreements with any owner of any of the land within any of the areas edged pink on the plan referred to in [section 2](#) of this Act for the management by the Commoners' Council of grazing thereon;

and, subject to the provisions of this Act, the Commoners' Council shall have power to do any thing (whether or not involving the expenditure, setting aside, borrowing, investment or lending of money, or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

(3) The Commoners' Council shall not take any action under paragraphs (b) and (c) of subsection (2) above except with the consent of the owner of the common land as respects which action is proposed; but such consent shall be deemed to have been given in any case where—

- (a) notice applying therefor has been served on the owner and notice of refusal has not within 6 weeks thereafter been served on the Commoners' Council; or
- (b) the identity of the owner cannot after reasonable inquiry be ascertained and notice of refusal has not been served by him on the Commoners' Council within 6 weeks after the display by the Commoners' Council in a conspicuous position on the land as respects which action is proposed of a notice specifying that land and the action intended.

(4) The provisions of [section 194](#) of the [Law of Property Act 1925](#) (restrictions as to works on commons) shall apply in relation to the erection of any building or fence or the construction of any other work under the powers of this section, notwithstanding anything in [subsection \(4\)](#) of that section.

(5)

(a) In the performance of their functions under this Act, the Commoners' Council shall not less than 28 days before undertaking, or giving permission to others to undertake, any relevant operation, give notice in writing to the Nature Conservancy Council of that intention; and in this subsection “*relevant operation*” means an operation which in the opinion of the Nature Conservancy Council might be detrimental to the flora, fauna or geological or physiographical features of any land to which this subsection applies and in relation to which written notice of that opinion has previously been given by the Nature Conservancy Council to the Commoners' Council.

(b) This subsection applies to any land notified as an area of special scientific interest under [section 28](#) of the [Wildlife and Countryside Act 1981](#).

(6)

(a) The Commoners' Council may, without prejudice to the continued exercise by them of their functions under this Act and on such terms and conditions as they think fit, arrange for the discharge of any of their functions (other than functions relating to the regulation and control of the finance of the Commoners' Council and the making of regulations under [section 5](#) of this Act) by a commoners' association, association of commoners' associations or any local authority within the meaning of the Act of 1972 whose area includes any part of the commons.

(b) It shall be a condition of any arrangements made under paragraph (a) above that any action under paragraphs (b) and (c) of subsection (2) above shall require the prior approval of the Commoners' Council.

Part III REGULATION OF THE COMMONS > A. Regulation of common rights by Commoners' Council > s. 4 Functions of Commoners' Council.

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s. 5 Regulations.



Law In Force

Version 1 of 1

30 October 1985 - Present

Subjects

Local government

Keywords

Commoners; County councils; Devon; Local authorities' powers and duties; Regulations

5.— Regulations.

- (1) For the purpose of fulfilling their functions under [section 4](#) of this Act, the Council
- (a) shall make regulations for the following purposes:—
- (i) to ensure the good husbandry and maintenance of the health of all animals depastured on the commons;
 - (ii) to ensure that the commons are not overstocked and, for that purpose, may fix or provide for the fixing of the number of animals or animals of any description which from time to time may be depastured on the commons by virtue of a right of common or of any other right or privilege;
 - (iii) to ensure that all animals depastured on the commons are from their introduction duly hefted or flocked and permanently marked for the purpose of identifying their ownership;
 - (iv) to control stallions, rams or other male entire commonable animals and to prescribe or provide for prescribing conditions (as to time, or as to the class, description, age or characteristics of animals) under which male entire commonable animals may be depastured on the commons;
 - (v) to ensure that any dead commonable animal is, whenever reasonably practicable, removed from the commons as soon as possible after its death has occurred;
 - (vi) to exclude from grazing on the commons bulls exceeding the age of 6 months, shod horses, shod ponies and other animals not entitled to be on the commons or any animal which, in the opinion of the Commoners' Council, either has become unthrifty, or is in such a condition that to allow it to remain depastured on the commons would be likely to cause it unnecessary suffering;
 - (vii) to regulate or prohibit the burning of heather, gorse, grass and bracken on the commons;
- (b) may make such other regulations, in relation to the whole or any part of the commons, as they think fit and without prejudice to the generality of the foregoing, regulations may be made for all or any of the following purposes:—
- (i) to exclude from grazing on the commons, for such periods as appear reasonably necessary, all animals or animals of a particular description where the Commoners' Council are satisfied that those exclusions are necessary for the maintenance of the commons or for the promotion of proper standards of livestock husbandry;
 - (ii) generally to regulate the exercise of rights of common of all kinds and rights or privileges having a similar subject matter as rights of common (including rights of grazing deriving otherwise than from rights of common) over the commons and to prohibit the use of the commons for similar purposes by persons purporting to exercise rights in excess of their entitlement or by persons not entitled to such rights either as commoners or otherwise.
- (2)

- (a) Any regulation under subsection (1) (a) (ii) above, so far as it varies the number of animals which by virtue of a right of common or of any other right or privilege may be depastured under that right or privilege, shall so far as is reasonably practicable impose on all holders of the like rights or privileges held in respect of the same unit of the commons a proportionately similar variation.
- (b) Subject as otherwise provided in [section 4](#) of this Act and this section, regulations under this section shall not—
- (i) alter the area over which any right of pasturage may otherwise be exercised;
 - (ii) so reduce the entitlement of a commoner to depasture animals on the commons as in any circumstances to preclude his depasturing less than two animals;
 - (iii) impose restrictions or obligations respecting the exercise of any such rights or other rights or privileges, so as to discriminate between rights of the same class or character; nor
 - (iv) increase the number of animals which a commoner may depasture on the commons to a number exceeding that recorded in the register maintained under the Act of 1965 as the entitlement in respect of the right which he exercises.
- (3) Regulations under this section may provide for the detention by any person authorised by the Commoners' Council of any animal found on the commons in contravention of the regulations, for the recovery by the Commoners' Council of the cost of such detention (including the cost of the animal's proper maintenance and of any reasonably necessary treatment for it) and for the sale of the animal by the Commoners' Council subject to the compliance with such conditions as to the giving of notice to the owner of the animal (if it is known to whom it belongs) and otherwise, as may be prescribed in the regulations.
- (4) Regulations under this section may provide that persons contravening the regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale and in the case of a continuing offence a further fine not exceeding £40 for each day during which the offence continues after conviction thereof.
- (5) Regulations under subsection (1) (a) (ii) above shall provide that a person aggrieved by a regulation fixing the number of animals which he may depasture on any part of the commons shall have a right of appeal against the number so fixed to an arbitrator who shall be appointed in such manner and on such terms as may be provided by those regulations.
- (6) Any regulation made in pursuance of this section and any alteration or revocation thereof shall not have effect unless and until it shall have been confirmed by the Secretary of State, who shall determine the date on which the regulation, alteration or revocation shall come into operation.
- (7)
- (a) Before in any case making regulations under this section, the Commoners' Council shall consult the Park Authority.
 - (b) Not less than 90 days before in any case making application to the Secretary of State for confirmation of regulations under this section, the Commoners' Council shall serve a copy of the regulations and of this subsection on the proper officer (within the meaning of [section 270 \(3\)](#) of the Act of 1972) of the Park Authority, on the owners of so much of the commons as appears to be affected by the regulations (so far as the identities of such owners can reasonably be ascertained) and on the secretary or other officer authorised in that behalf of each of the commoners' associations; and the Commoners' Council shall forward with any such application a copy of any written representations which may be served on the Commoners' Council by the Park Authority or any such owner or association before the expiry of the 90 days.
 - (c) If written representations are so served on the Commoners' Council by the Park Authority or any such owner or association, or by any commoner, and not withdrawn, the Secretary of State, unless he is satisfied that he can proceed to a decision in the matter without causing an inquiry or hearing to be held with respect to it, shall either—
 - (i) cause a local inquiry to be held; or
 - (ii) afford to the Park Authority, any such owner or association or any commoner making representations, and to the Commoners' Council, an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for that purpose.

(8) Subsections (3) to (6), (8) and (9) of section 236 and section 238 of the Act of 1972 shall apply and have effect with respect to regulations made by the Commoners' Council under this section as they apply to byelaws made by a district council, as if references—

- (a) to byelaws were to regulations under this section;
- (b) to the authority, to the authority by whom the byelaws are made, to a district council or to the local authority, were in each case to the Commoners' Council;
- (c) to the area to which the byelaws are to apply were to the commons;
- (d) to the confirming authority were to the Secretary of State; and
- (e) to the proper officer of a district council were to a person appointed for the purpose by the Commoners' Council.

(9) In this section “commons” includes any land which is subject to an agreement made under section 4 (2) (d) of this Act but only where that agreement provides that regulations may apply to that land and to the persons who entered into that agreement, their successors in title or any persons deriving title under them.

*Part III REGULATION OF THE COMMONS > A. Regulation
of common rights by Commoners' Council > s. 5 Regulations.*

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s. 7 Register to be maintained by Commoners' Council.



Version 1 of 1

30 October 1985 - Present

Subjects

Local government

Keywords

Commoners; County councils; Devon; Local authorities' powers and duties; National park authorities; Registers

7.— Register to be maintained by Commoners' Council.

- (1) As from the appointed day the Commoners' Council shall maintain a register in accordance with this section.
- (2) After the passing of this Act and before the appointed day, the Park Authority shall take steps to prepare a register in accordance with this section and for that purpose the functions of the secretary of the Commoners' Council and of the Commoners' Council under the following provisions of this section may be exercised by the Park Authority; and accordingly the references below in subsections (4), (5) (b), (c) and (d), (6) and (7) to the secretary of the Commoners' Council and to the Commoners' Council, shall include reference to the Park Authority.
- (3) There shall be recorded in the register the following particulars:—
 - (a) the name and address of each person who, by virtue of a right to do so, normally grazes or depastures an animal or animals on the commons from time to time during the year;
 - (b) the name and address of every other person who is a commoner and who applies to have his name entered in the register;
 - (c) as respects each person within the description of paragraph (a) above, the number of animals which for the time being he grazes on the commons and the mark by which the ownership of those animals may be identified; and
 - (d) such other particulars as to the Commoners' Council seems fit.
- (4) The secretary of the Commoners' Council may, after giving notice thereof in writing to any person whose name is recorded in the register by post to his address as therein recorded, make such amendments as appear to the secretary fit to any particulars so recorded respecting that person or his rights to use the commons.
- (5)
 - (a) It shall be the duty of any person who has grazed or depastured an animal or animals on any part of the commons in the period of 12 months ending 3 months before the appointed day, to supply to the Park Authority not less than 3 months before the appointed day such particulars as are reasonably required for his registration in the register and it shall be the duty of any other person who subsequently grazes or depastures an animal or animals on any part of the commons not less than one month before so grazing or depasturing, to supply to the Park Authority such particulars as are reasonably required for his registration in the register.
 - (b) No person who is a commoner within the description of subsection (3) (b) above shall be entitled to have his name entered in the register unless with his application, or within 28 days after notice is served upon him by the secretary of the Commoners' Council, he supplies such particulars as are reasonably required for his registration in the register.
 - (c) It shall be the duty of every person whose name is recorded in the register, on the occurrence of any event warranting alteration or deletion of particulars in the register respecting that person's registration, to give to the secretary of the Commoners' Council notice of the altered particulars within 28 days after that occurrence.

(d) The secretary or other authorised officer of every commoners' association shall on being requested by notice in writing given by the secretary of the Commoners' Council supply to him particulars of the names and addresses of all persons who are current members of that association and such other particulars as the Commoners' Council may reasonably require for preparing and keeping the register.

(e) Any person who without reasonable excuse fails to supply particulars required of him under paragraph (a) or (c) above, or supplies under any of the foregoing provisions of this subsection particulars which he knows to be false, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(6) Any person aggrieved by any particulars recorded in the register, by the refusal of the secretary of the Commoners' Council to record particulars therein, or by any amendment made to such particulars, may give notice of his complaint to the secretary of the Commoners' Council pursuant to this section and the Commoners' Council, or a committee of the Commoners' Council appointed therefor, shall take the complaint into consideration and shall give notice to the complainant of their decision in writing; and before determining not to accept the complaint the Commoners' Council or the committee, as the case may be, shall afford to the complainant (if so required by the complainant by notice given within seven days after the giving to him of notice that they do not propose to accept the complaint) an opportunity of being heard by the Commoners' Council, or by the committee if the matter is referred to a committee, in support of the complaint.

(7) Any person aggrieved by a decision of the Commoners' Council or a committee of the Commoners' Council under subsection (6) above may appeal to a magistrates' court and [sections 300 to 302](#) of the [Public Health Act 1936](#) shall apply with the necessary modifications to any appeal under this subsection as they apply to any appeal under any provision of that Act.

(8) The register shall at all reasonable times be open to inspection and transcription without payment by any interested person.

*Part III REGULATION OF THE COMMONS > A. Regulation of common rights
by Commoners' Council > s. 7 Register to be maintained by Commoners' Council.*

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DARTMOOR COMMONERS' COUNCIL

THE REGULATIONS AS PREPARED UNDER
SECTION 5 OF THE DARTMOOR COMMONS ACT 1985

REGULATIONS

for the maintenance of the lands falling within the definition of the commons contained in Section 2 of the Dartmoor Commons Act 1985 ("the Act") and for the promotion of proper standards of livestock husbandry thereon made by the Dartmoor Commoners' Council ("the Council") pursuant to Section 5 of the Act.

LIVESTOCK HUSBANDRY

1. No person shall depasture on the commons any animal in respect of which he does not have an entitlement and for which he has not registered the intention to graze with the Council.
2. No person having the right to license another person or arrange for any other person to depasture animals on the commons shall enter into any such licence or arrangement without giving to the Secretary of the Council notice of the numbers of such animals involved in any such licence or arrangement.
3. No Commoner shall allow the use of his right or part of his right by any other person, unless he leases to that person on a full agricultural tenancy the proportion of his holding bearing the same relation to his entire holding as the part of his right does to his whole right.
4. No person shall allow any animal to be depastured on the commons without taking all reasonable steps to make sure that from the date of that animal's introduction it is hefted or leared or flocked in accordance with the custom and practice of Dartmoor as approved from time to time by the Council.
5. No person shall allow to be depastured on the commons any cattle or ponies exceeding the age of 12 months or sheep exceeding the age of 6 months which are not permanently marked in a form that is readily visible for the purpose of identifying their ownership. Sheep should have a permanent incised earmark readily discernible together with a paint mark. The Council may waive the requirement of such permanent marking on application of the person depasturing prior to the commencement of such depasturing where the duration of the depasturing is to be a single period of less than 3 months.

For the purpose of this Regulation the application either of paint or of an ear-tag to a sheep shall not be regarded as forms of permanent marking.

Every person so depasturing an animal shall one month prior to first depasturing any such animal send to the Secretary of the Council a diagram and a description of the mark adopted for this purpose.

The Council may require a person to alter or vary any mark which it considers cannot adequately be distinguished from that employed by another person grazing animals on the commons, and thereafter such person shall ensure that all animals depastured by him are marked in accordance with such requirement.

6. No person shall depasture on the commons any animal which he knows or has reasonable cause to believe is suffering from any disease which is a notifiable disease for the purpose of the Animal Health Act 1981 or any re-enactment or amendment thereof and a person who depastures on the commons an animal which is or which appears to be in a healthy condition and who subsequently discovers or is informed that the animal is suffering from such a disease shall so soon as is reasonably practicable and in any case within 48 hours arrange for the removal of that animal from the commons and for that animal to be tested. If the results of such a test confirm that that animal is suffering from such a disease that person shall undertake an inspection to ensure that other stock belonging to him and similarly depastured is not affected by such a disease.

Further, if any animal is discovered to be suffering from a notifiable disease the person by whom it was depastured shall within 48 hours of such discovery notify the Secretary of the Council thereof.

7. No person shall depasture on the commons any animal which has ceased to be thrifty and the Council may by written notice require such person to remove from the commons a depastured animal which the Council considers to have ceased to be thrifty or which would suffer unduly if allowed to remain depastured. That person shall remove such an animal within forty-eight hours of receipt of such a notice in default of which the Council may take steps to remove it.
8. No person shall depasture a prohibited animal on the commons or a designated unit thereof during a prohibited period. A prohibited period shall be a period designated by the Council in accordance with advice concerning animal health or other matter or because of any outbreak of infection or of notifiable disease or in response to such locally prevailing circumstances as cause the Council to consider that the commons should not be stocked during that period and may apply either to all the commons or to such unit or units thereof as the Council decides. A prohibited animal may be an animal of any description as the Council may decide.

When the Council has determined that a prohibited period is necessary and the appropriate extent thereof the Secretary of the Council shall send to the Secretary of all those Commoners' Associations whose commons are affected by the prohibition notice of the prohibited period and the prohibited animal or animals together with the reason for the prohibition and shall advertise notice of such prohibition in a newspaper circulating in the area of such commons.

9. No person shall depasture on any unit of the commons animals in excess of the number contained in a limitation Notice under Section 5(2)(a) of the Act. Whenever the Council shall consider it expedient to prescribe the maximum number of any description of animal that any person may from time to time depasture on any unit of the commons (whether by reason of the quality of the pasturage or otherwise) the Secretary of the Council shall send a Limitation Notice in accordance with Section 5(2)(a) of the Act to the owner or tenant of that land and to each person registered in accordance with Section 7 of the Act as having rights to depasture on that unit of the commons specifying the common land so restricted, the period of the limitation and the maximum number and description of animals that an owner, tenant or other person may depasture on that unit of the commons for that duration and shall send a copy of each such notice to the Secretary of the Commoners' Association to whose area the restriction applies.
10. No person shall depasture on the commons:
 - a) A bull over the age of six months or a shod horse or a shod pony.
 - b) A stallion or other animal which the Council considers to be a danger to any person or animal.
 - c) A ram or ram lamb between the 31st day of July and the 10th day of November in any year or in respect of any common land units which are not contiguous with any other unit such other dates as the Council may from time to time determine (such dates to be made pursuant to an application made to the Council by the Commoners' Association in the area of which the common land unit lies).
11. Any person shall arrange without delay for the removal from the surface of the commons of the carcass of any commonable animal belonging to him or for which he is responsible provided that it is possible to obtain access to that carcass. If he is informed of such a death by the Secretary of the local Commoners' Association or by a reeve appointed by the Council or by a member or the Secretary of the Council and is instructed to remove that carcass he shall arrange for its removal as soon as is reasonably practicable following his receipt of such an instruction.
12. (i) Any reeve appointed or other person duly authorised by the Council may remove from the commons and detain any animal depastured there in contravention of any of the foregoing regulations.

- (ii) During the detention of any animal so removed from the commons the Council shall arrange for it to be properly fed, watered and, if appropriate, sheltered and to receive any treatment, veterinary or otherwise, as seems to the Council reasonably necessary for its well-being.
 - (iii) As soon as is reasonably practicable after removal from the commons of an animal in accordance with this Regulation the Council shall arrange for notice of its detention to be given to the owner of that animal. Such notice shall inform the owner where the animal may be collected.
 - (iv) Before an animal is returned to its owner the Council shall be entitled to charge and receive from the owner of the animal the cost of its detention, including the cost of its maintenance and of any treatment the animal has been given during its detention.
 - (v) If within ten days of giving notice of its detention to the owner of an animal that animal is not collected by the owner the Council shall be at liberty to sell the animal and deduct from the proceeds of sale all its costs and expenses incidental thereto before remitting the balance to the owner.
 - (vi) Where an animal is detained the owner of which the Council is unable to ascertain it shall advertise that detention in a notice appearing in two consecutive weeks' editions of a newspaper circulating in the area where the animal was impounded. The Council shall continue to keep the animal safely and if at the end of seven days from the date on which the notice was published for a second time no enquiry from the owner in respect of that animal has been received by the Council it shall sell that animal and deduct from the proceeds of sale all its costs and expenses incidental thereto. The Council shall then retain the balance of the sale money for six months and if in this time it is not reclaimed by a person who satisfies the Council that he was the owner of the animal so sold the Council may include that balance within its income for that financial year.
13. The Arbitrator to be appointed in accordance with Section 5 (5) of the Act to determine an appeal by an owner or his tenant or other person against the number of animals he may depasture as prescribed in a Limitation Notice issued by the Council under Regulation 9 above shall be appointed annually by the President of the Royal Institution of Chartered Surveyors. Unless both parties agree to submit written representations to him the Arbitrator shall arrange a hearing at which the appellant and a representative of the Council may address him orally and shall before he makes an award make an inspection of that part of the commons to which the dispute relates. The costs of, and incidental to, the arbitration and award shall be in the discretion of the Arbitrator who may direct by whom the costs or any part thereof are to be paid.
 14. No person having a right registered under the Commons Registrations Act 1965 or right or privilege having a similar subject matter as rights of common (including rights of grazing deriving otherwise than from rights of common) shall do anything or cause or allow any act to be done which in the opinion of the Council shall cause the natural beauty of the commons to be damaged.
 15. The Council may require the removal of stock from the commons or from a particular part of the commons where stock are being grazed or fed in contravention of any Code of Guidance approved by the Council or in order to prevent or limit damage to the commons.
 16. No person or local Commoners' Association shall burn moorland where heather is present on the commons exceeding an area of 9000 square metres at intervals of less than 12 years nor where the distance between burns in any one year is less than 150 metres.
 17. No person or local Commoners' Association shall burn moorland where dead grass is present on any common land unit over an area exceeding 50 acres or 25 per cent of the area of that common land unit whichever shall be the less and such burning shall take place at intervals of no less than 3 years.
 18. No person or local Commoners' Association shall burn moorland where bracken or gorse is present on any common land unit over an area exceeding 50 acres or 25 per cent of the area of that common land unit' whichever shall be the less and such burning shall take place at intervals of no less than 3 years.

19. The Council may from time to time prohibit the burning of heather bracken gorse or grass in any common land unit such prohibition to be notified by an advertisement in a newspaper circulating in the area of the common land unit or units covered by the Prohibition.
20. In accordance with Section 4(6)(a) of the Act the Council may from time to time authorise any local Commoners' Association, Association of Commoners' Associations or any Local Authority within the meaning of the Act of 1972 whose area includes any part of the commons subject to and with the prior consent of that Association, Associations or Local Authority to exercise on its behalf all or any of its powers under the foregoing Regulations and to enforce any of such Regulations on behalf of and as the agent of and in the name of the Council.
21. Any person who contravenes any of the foregoing Regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale and in the case of a continuing offence to a further fine not exceeding £40 for each day during which the offence continues after conviction thereof.
22. The Interpretation Acts 1889 to 1978 shall apply to these Regulations as they apply to any Act of Parliament and where the context so admits Section 2 of the Act (the Interpretation Section) shall apply to these Regulations and in the event of conflict the latter shall prevail.

The Common Seal of the Dartmoor Commoners' Council is hereunto affixed pursuant to a Resolution of the Council on the Tenth day of January 1990 in the presence of the Chairman and Secretary to the said Council duly authorised by the said Resolution.

J .A. T. Hodge

J.A. T. Hodge
CHAIRMAN

R.G. Woolcock

R. G. Woolcock
SECRETARY

These are the Regulations confirmed by the Secretary of State for the Environment on 3 August 1990 - Letter DRA1/1007/518 dated 3 August 1990 refers.

C.F. Hart

Authorised by the Secretary of State to sign in that behalf.

Conservation of Habitats and Species Regulations 2017/1012

reg. 7 Competent authorities



Law In Force

Version 1 of 1

30 November 2017 - Present

Subjects

Environment

7.— Competent authorities

(1) For the purposes of these Regulations, “*competent authority*” includes—

- (a) any Minister of the Crown (as defined in the [Ministers of the Crown Act 1975](#)), government department, statutory undertaker, public body of any description or person holding a public office;
- (b) the Welsh Ministers; and
- (c) any person exercising any function of a person mentioned in sub-paragraph (a) or (b).

(2) In the following provisions (and as provided in [regulation 69\(3\)\(a\)](#)), “*competent authority*” includes the Scottish Ministers—

- (a) [regulation 70\(2\)](#), in so far as that paragraph relates to a deemed grant of planning permission under—
 - (i) [section 57\(2\), \(2A\) and \(2ZA\)](#) of the [Town and Country Planning \(Scotland\) Act 1997](#)¹, to which [regulation 70\(1\)\(e\)\(ii\)](#) and [\(f\)](#) relate; or
 - (ii) [section 5\(1\)](#) of the [Pipe-lines Act 1962](#)², to which [regulation 70\(1\)\(e\)\(iii\)](#) relates;
- (b) Chapters 4 and 5 of Part 6.

(3) In paragraph (1)—

“*public body*” includes—

- (a) the Broads Authority³;
- (b) a joint planning board within the meaning of [section 2](#) of the [TCPA 1990](#) (joint planning boards)⁴;
- (c) a joint committee appointed under [section 102\(1\)\(b\)](#) of the [Local Government Act 1972](#) (appointment of committees)⁵;
- (d) a National Park authority; or
- (e) a local authority, which in this regulation means—
 - (i) in relation to England, a county council, a district council, a parish council, a London borough council, the Common Council of the City of London, the sub-treasurer of the Inner Temple or the under treasurer of the Middle Temple;
 - (ii) in relation to Wales, a county council, a county borough council or a community council;

“*public office*” means—

- (a) an office under the Crown,
- (b) an office created or continued in existence by a public general Act or by legislation passed by the National Assembly for Wales, or
- (c) an office the remuneration in respect of which is paid out of money provided by Parliament or the National Assembly for Wales.

Notes

- 1 Section 57(2) was substituted, and section 57(2ZA) was inserted, by the Growth and Infrastructure Act 2013 (c. 27), section 21(5).
- 2 Section 5(1) was amended by S.I. 1999/742.
- 3 The Broads Authority was established by section 1 of the Norfolk and Suffolk Broads Act 1988 (c. 4).
- 4 Section 2 was amended by the Local Government (Wales) Act 1994 (c. 19), section 19(1) and (4) and Schedule 18; and by the Environment Act 1995 (c. 25), Schedule 10, paragraph 32.
- 5 1972 c. 70. Section 102(1) was amended by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 16; and the Children Act 1989 (c. 41), Schedule 13, paragraph 31. It is prospectively amended by the Local Government and Housing Act 1989 (c. 42), Schedule 11, paragraph 25(a), from a date to be appointed.

Part 1 Introductory and General Provisions > reg. 7 Competent authorities

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Conservation of Habitats and Species Regulations 2017/1012

reg. 9 Duties relating to compliance with the Directives



Law In Force

Version 2 of 2

31 December 2020 - Present

Subjects

Environment

9.— Duties relating to compliance with the Directives

(1) The appropriate authority, the nature conservation bodies and, in relation to the marine area, a competent authority must exercise their functions which are relevant to nature conservation, including marine conservation, so as to secure compliance with the requirements of the Directives.

(2) Paragraph (1) applies, in particular, to functions under these Regulations and functions under the following enactments—

- (a) the [Dockyard Ports Regulation Act 1865](#);
- (b) [section 2\(2\) of the Military Lands Act 1900](#) (provision as to byelaws relating to the sea, tidal water or shore)¹;
- (c) [Part 3 of the 1949 Act](#) (nature conservation);
- (d) the [Harbours Act 1964](#);
- (e) [section 15 of the Countryside Act 1968](#) (areas of special scientific interest)²;
- (f) [Part 2 of the Control of Pollution Act 1974](#) (pollution of water)³;
- (g) [Part 1 \(wildlife\) and sections 28 to 28S and 31 to 35A of the WCA 1981](#) (which relate to sites of special scientific interest)⁴;
- (h) the [Water Resources Act 1991](#);
- (i) the [Land Drainage Act 1991](#);
- (j) the Sea Fisheries Acts within the meaning of [section 1 of the Sea Fisheries \(Wildlife Conservation\) Act 1992](#) (conservation in the exercise of sea fisheries functions)⁵;
- (k) the [Natural Environment and Rural Communities Act 2006](#);
- (l) the [Planning Act 2008](#);
- (m) the Marine Act, in particular any functions under [Parts 3, 4, 5 and 6](#) of that Act (marine planning, marine licensing, nature conservation and management of inshore fisheries, respectively); and
- (n) the [Natural Resources Body for Wales \(Establishment\) Order 2012](#)⁶, where the functions are exercised for purposes related to nature conservation.

(3) Without prejudice to the preceding provisions, a competent authority, in exercising any of its functions, must have regard to the requirements of the Directives so far as they may be affected by the exercise of those functions.

- (4) The reference in paragraph (1) to the appropriate authority—
- (a) to the extent that that paragraph applies in relation to Scotland, includes the Secretary of State exercising functions in relation to Scotland; and
 - (b) to the extent that that paragraph applies in relation to Northern Ireland, includes the Secretary of State exercising functions in relation to Northern Ireland.

[

(4A) In complying with their duties under paragraphs (1) and (3), the nature conservation body and a competent authority must have regard to any guidance issued under [regulation 3A\(4\)](#)—

- (a) by the Secretary of State, in relation to England; or
- (b) by the Welsh Ministers, in relation to Wales.

] ⁷

- (5) In paragraph (1), “*marine area*” includes—
- (a) the Northern Ireland inshore region; and
 - (b) the Scottish inshore region.

Notes

- 1 1900 c. 56. Section 2(2) was amended by the [Armed Forces Act 2011](#) (c. 18), section 24(1); and by S.R. & O. 1924/1370. The functions of the Commissioners of Woods are now exercisable by the Crown Estate Commissioners: SR & O 1924/1370; the [Crown Estate Act 1956](#) (c. 73), section 1(1); and the [Crown Estate Act 1961](#) (c. 55), section 1(1).
- 2 1968 c. 41. Section 15 was amended by the [WCA 1981](#), section 72(8); the [Environmental Protection Act 1990](#) (c. 43), Schedule 9, paragraph 4(2) and Schedule 16, Part 6; the [Countryside and Rights of Way Act 2000](#) (c. 37), section 75(3); the [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000](#) (asp 5), Schedule 12, paragraph 29(1) and (2); the [Natural Environment and Rural Communities Act 2006](#) (c. 16), Schedule 11, paragraph 48; the [Environment \(Wales\) Act 2016](#) (anaw 3), Schedule 2, paragraph 2(1) and (3); and S.I. 2013/755 (W. 90).
- 3 1974 c. 40.
- 4 Section 28 was substituted, and sections 28A to 28C and 28D to 28R were inserted, by the [Countryside and Rights of Way Act 2000](#) (“the 2000 Act”), Schedule 9, paragraph 1 and Schedule 10, paragraph 1. Sections 28, 31 and 34 were repealed as regards Scotland by the [Nature Conservation \(Scotland\) Act 2004](#) (asp 6), Schedule 7, paragraph 4, and sections 28A to 28S do not extend to Scotland. Sections 28 to 28C and 28D to 28R were amended by the [Natural Environment and Rural Communities Act 2006](#) (“the 2006 Act”), Schedule 11, paragraph 79. Sections 28, 28A, 28B and 28C were amended by the [Marine Act](#), Schedule 13, paragraphs 2, 3, 5 and 6. Sections 28CA and 28CB were inserted by the [Marine Act](#), Schedule 13, paragraphs 7 and 8. Section 28D was amended by the 2006 Act, section 56; and the [Marine Act](#), Schedule 13, paragraph 9. Section 28E was amended by the 2006 Act, Schedule 11, paragraph 80; and the [Environment \(Wales\) Act 2016](#), Schedule 2, paragraph 3(2). Section 28F was amended by the [Planning \(Wales\) Act 2015](#) (anaw 4), Schedule 5, paragraph 5. Section 28G was amended by the 2006 Act, Schedule 11, paragraph 81. Section 28J was amended by the [Environment \(Wales\) Act 2016](#), Schedule 2, paragraph 3(3). Section 28L was amended by the [Planning \(Wales\) Act 2015](#), Schedule 5, paragraph 6. Section 28P was amended by the 2006 Act, section 55; and S.I. 2015/664. Section 28S was inserted by the 2006 Act, section 58(1). Section 31 was amended by the [Criminal Justice Act 1982](#) (c. 48), sections 37 and 46; the 2000 Act, Schedule 9, paragraph 3; the [Constitutional Reform Act 2005](#) (c. 4), Schedule 9, paragraph 37; and the 2006 Act, section 55(5) and Schedule 11, paragraph 79. Section 32 was amended by the [Agriculture Act 1986](#) (c. 49), section 20(1) to (3); the 2000 Act, Schedule 9, paragraph 4 and Schedule 16, Part 3; the 2006 Act, Schedule 11, paragraph 79; the [Environment \(Wales\) Act 2016](#) (anaw 3), Schedule

Notes

2, paragraph 3(4); and S.I. 2011/1043. Section 33 was amended by the 2006 Act, Schedule 11, paragraph 82. Section 34 was amended by the Local Government Act 1985 (c. 51), Schedule 3, paragraph 7; the Planning (Consequential Provisions) Act 1990 (c. 11), Schedule 2, paragraph 54(1); the Local Government (Wales) Act 1994 (c. 19), Schedule 16, paragraph 65(3); the 2000 Act, section 78; the 2006 Act, Schedule 11, paragraph 83; and S.I. 2015/664. Section 34A was inserted by the 2006 Act, Schedule 11, paragraph 84, and was amended by S.I. 2013/755 (W. 90). Section 35 was amended by the 2006 Act, Schedule 11, paragraph 85; and the Marine Act, Schedule 13, paragraph 10. Section 35A was inserted by the Marine Act, Schedule 13, paragraph 11.

5 1992 c. 36. Section 1 was amended by the Marine Act, section 11 and Schedule 22, Part 4; and by S.I. 1999/1820.

6 To which there are amendments not relevant to these Regulations.

7 Added by Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019/579 Pt 3 reg.7 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

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5. As soon as a site is placed on the list referred to in the third subparagraph of paragraph 2 it shall be subject to Article 6 (2), (3) and (4).

Article 5

1. In exceptional cases where the Commission finds that a national list as referred to in Article 4 (1) fails to mention a site hosting a priority natural habitat type or priority species which, on the basis of relevant and reliable scientific information, it considers to be essential for the maintenance of that priority natural habitat type or for the survival of that priority species, a bilateral consultation procedure shall be initiated between that Member State and the Commission for the purpose of comparing the scientific data used by each.

2. If, on expiry of a consultation period not exceeding six months, the dispute remains unresolved, the Commission shall forward to the Council a proposal relating to the selection of the site as a site of Community importance.

3. The Council, acting unanimously, shall take a decision within three months of the date of referral.

4. During the consultation period and pending a Council decision, the site concerned shall be subject to Article 6 (2).

Article 6

1. For special areas of conservation, Member States shall establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites.

2. Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive.

3. Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only

after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

4. If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.

Article 7

Obligations arising under Article 6 (2), (3) and (4) of this Directive shall replace any obligations arising under the first sentence of Article 4 (4) of Directive 79/409/EEC in respect of areas classified pursuant to Article 4 (1) or similarly recognized under Article 4 (2) thereof, as from the date of implementation of this Directive or the date of classification or recognition by a Member State under Directive 79/409/EEC, where the latter date is later.

Article 8

1. In parallel with their proposals for sites eligible for designation as special areas of conservation, hosting priority natural habitat types and/or priority species, the Member States shall send, as appropriate, to the Commission their estimates relating to the Community co-financing which they consider necessary to allow them to meet their obligations pursuant to Article 6 (1).

2. In agreement with each of the Member States concerned, the Commission shall identify, for sites of Community importance for which co-financing is sought, those measures essential for the maintenance or re-establishment at a favourable conservation status of the priority natural habitat types and priority species on the sites concerned, as well as the total costs arising from those measures.

Claim No: AC-2024-LON-XXXXXX

IN THE HIGH COURT OF JUSTICE**KING'S BENCH DIVISION****ADMINISTRATIVE COURT****IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW:****THE KING****-on the application of-****WILD JUSTICE****Claimant****-and-****DARTMOOR COMMONERS' COUNCIL****Defendant**

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DARTMOOR COMMONERS' COUNCIL

Minutes of a meeting of the Council held at The Two Bridges Hotel, Princetown on Wednesday 25th September 1991 at 7.30 p.m.

Present: Messrs. C. Abel, C. Alford, R. Ashford, N. Atkinson, W. Cole, J. French, W. Fogerty, R. Halliday, G. Hill, J. Hodge, J. Jordan, R. Michelmore, I. Mortimore, R. Parsons, D. Powell, M. Retallick, J. Reddaway, S. Reed, T. Roskilly, S. Wakeham, J. Wilkinson, R.G. Woolcock and Mrs. J. Crick.

Apologies were received from Mrs. L. Pellow, Messrs. J. Cole, D. Peek, R. Sampson, R. Savery, and J. Wigmore.

309. **Minutes** of the Annual Meeting held on Wednesday 7th August 1991 were confirmed and signed.

310. **Matters arising:**

(a) **Finance.** The Secretary reported that £1300 of the £1600 outstanding at the 30th June 1991 had now been collected and that Mr. Sampson is taking the necessary legal action to recover the remaining outstanding contributions.

(b) **Roborough Down.** The Secretary reported that a Notice under the Council's Regulations had been served on Roborough Commoners's Association prohibiting all classes of stock from grazing on the Common between 1st February 1992 and 31st March 1992 inclusive and 1st February 1993 and 31st March 1993 inclusive. The appropriate advertisements had been placed in the Tavistock Times Gazette and the Western Morning News. The Secretary also read out letters from Shaugh Prior & District and Meavy & Yennadon Commoners Associations asking that a Drift should be held in January 1992 to enable the Council Vet to spray any unthrifty animals before Roborough Down is cleared so that no unthrifty ponies could be turned legitimately on to other commons on which Roborough Commoners also have rights. It was resolved that this should be done and that the drift should be held in conjunction with the Pony Support Scheme inspections.

(c) **Hayne Down.** Dr. Atkinson confirmed that reinstatement is in hand.

(d) **Chagford Commons.** It was resolved that this matter should be dealt with in committee at the end of the meeting.

(e) **Mistor.** The Secretary reported he awaited hearing from Maristow Estate whether or not they were agreeable to the track being repaired by the National Park. He also read out a letter from Dr. Atkinson confirming that the National Park would be willing to consider with the relevant parties any appropriate remedial work in the area.

(f) **1965 Register** The Secretary reported that Mr. Trott is prepared to supply the Commoners' Council with a copy of the 1965 Register for approximately £400 and hopefully this will be ready by mid November. Although Devon County Council will still be responsible for amendments to the 1965 Register, queries concerning it will then be referred to the Secretary of the Commoners' Council rather than Mr. Trott. It was resolved that the Secretary should clarify the position with Mr. Trott and inform him that the Council would not wish him to undertake searches.

(g) **Cornwood Commoners - High House Waste.** This matter was deferred to the next meeting to enable Mr. Sampson to report on his progress with regard to enforcing the Dartmoor Preservation Society's legal obligation to fence the land.

(h) **Cattle Warning Signs Tavistock/Princetown Road.** It was resolved that the Secretary should write asking for the signs to be increased in size as it was felt they were not sufficiently conspicuous.

- (i) **Insurance.** The Secretary reported that he had received the new policy from Commercial Union but it had been necessary to write to them to amend their description of the Council's business as they had incorrectly included maintenance of buildings.
- (j) **Calculation of Hill Subsidy Payments.** The Secretary read out a letter from the Ministry, following representations from the local M.P.'s to whom he had written, stating that they were prepared to explore the possibility of ways other than using the grazing entitlement under the 1965 Commons Registration Act. As a consequence of this Mr. Dyke from the Ministry in Exeter was present and would later be speaking to the Council.
- (k) **Tourism on Dartmoor.** It was decided to defer this matter to the next meeting to enable Mr. Peek, who had raised the matter, to be present for Dr. Atkinson's explanation.
311. **Finance Committee Meeting Report.** It was decided that this should be made in committee at the end of the Council meeting.
312. **MAFF Report.** The Maff annual report on monitoring of Welfare of Cattle and Sheep on Dartmoor 1990/91 had been circulated to members. The Secretary reported that he had received a request from Mr. Lewis to attend a Council meeting to outline the Welfare of Livestock Regulations 1990 which had come into force on 1st January 1991 and it was agreed that he should be invited to attend the November meeting when the annual report could also be discussed.
313. **Correspondence.**
- (a) **Mr. Edmunds.** The Secretary read out a letter from Mr. Edmunds in which he stated that he considered the Council did not have power to invite Dr. Atkinson to sit on the Council in an advisory capacity as had been done under Minute 284 of the meeting held on 6th March 1991. Dr. Atkinson pointed out that he understood that, as his predecessor before him, he attended the Council meetings by invitation to advise as and when requested and took no part in decision making or voting. The Chairman stated that the Council had asked Dr. Atkinson to attend every meeting because his advice is needed at each meeting. It was resolved that the Secretary should confirm the legal position with Mr. Sampson and then write to Mr. Edmunds accordingly.
- (b) **Okehampton Town Council.** The Secretary read out a letter received from Okehampton Town Council asking for the Council's support to keep the road in reasonable repair. The letter pointed out that Town Council and local residents had always strongly objected to the policy of benign neglect adopted by the Duchy of Cornwall and National Park. At present the Ministry of Defence are working on the road, claiming improvement for military vehicles and are stripping large areas (500 sq. metres) of good metalled road and replacing this with quarry waste. Dr. Atkinson said that the Duchy had been advised they should be very careful that there was no active benign neglect as that would be destruction. They were not notified of the work in advance but it has been agreed they should be notified in future. Whilst the Park Authority supported benign neglect they were not unsympathetic to the elderly and young so he is meeting the Town Council to see if there is any common ground. Mr. Halliday confirmed that the Military have undertaken to forewarn the Duchy and the National Park about any future work and as from the 1st January the Duchy will have someone to oversee the Military Licence. It was resolved that the Secretary should write to the Military informing them that in view of the action they have taken in filling in the water tables the public can gain access to the commons and destroy the commons and ask that they reinstate the drainage channels. It was also resolved to support the Okehampton Town Council.

The Secretary read out a report from the Totnes Times relating to "Dartmoor Safaris" - an enterprise seeking to transport people in a luxurious four-wheel drive Landrover which seats eight people, to see parts of Dartmoor which visitors to the area would probably not come across. Mr. Halliday said the article which he had seen made the point that these Safaris are

being made on public highways. Mr. Powell said it does no damage to the moor in any way. Dr. Atkinson confirmed that the National Park Authority made enquiries and were assured the vehicles do not go off the highway. At present there is no problem with four-wheel drives but they are keeping the matter watched.

(c) **New ESAs.** The Secretary reported receipt of an NFU Memo stating that the Ministry of Agriculture have asked English Nature and the Countryside Commission to prepare a new short-list of potential Environmentally Sensitive Areas. Within an ESA farmers are offered incentive payments in return for using methods which help maintain or enhance the landscape of the area in question. Participation for farmers is entirely voluntary and the scheme is administered by the Ministry of Agriculture. To qualify as an ESA an area must have distinctive important landscape which is being threatened with undesirable change by agricultural practices and which could be conserved by influencing those practices in a certain way. The NFU Senior Policy Adviser had been asked by HQ to advise if there are any strong farming objections to the areas on English Nature's short-list, of which Dartmoor is one. The Council decided they could make no comment without more information.

314. **Dartmoor Pony Support Scheme.** The Secretary reported the Working Party would meet on the 1st October 1991 at the National Park Information Centre, Princetown at 2.15 p.m.
315. **Sheep Scab.** The Chairman reported the Ministry had telephoned the previous week to report an outbreak of sheep scab on a farm adjoining the moor. Some of the sheep were on the common, although the tenant was not a commoner, because of the poor condition of the boundary walls. The landlord wants the National Park to help repair them. The Secretary said he had served a notice in accordance with Regulation 6 on the tenant requiring him to remove the stock from the common. Mr. Abel confirmed that the stock had been removed and dipped. It was resolved to monitor the position closely.
316. **Date of Next Meeting.** It was resolved there should be no meeting of the Council in October and that the next meeting should be held on Wednesday 13th November 1991 at the Two Bridges Hotel, at 7.30 p.m.

It was resolved that the remainder of the meeting should be held in committee and the public asked to leave.

Signed..... *J. A. Abel*

Dated..... *Nov 27 1991*

DARTMOOR COMMONERS' COUNCIL

Minutes of a meeting of the Council held at the Village Hall, Postbridge, on Tuesday 8th June 1993 at 7.30 p.m.

Present: Messrs. J. Hodge, C. Alford, B. Lavis, Mrs. L. Pellow, Messrs. J. French, D. Powell, I. Mortimore, J. Greatrex, G. Hill, S. Wakeham, D. Peek, T. Roskilly, R. Ashford, R. Michelmore, N. Atkinson, R. Woolcock and Mrs. Crick.

Apologies were received from Messrs. J. Jordan, R. Sampson, R. Halliday, M. Retallick, S. Reed and W. Cole.

448. **Minutes** of the last meeting held on Wednesday 5th May 1993 were confirmed and signed.

449. **Matters arising:-**

(a) **Finance.** The Secretary reported that contributions amounting to approximately £19,250 had so far been received for the current year.

(b) **Cornwood Commoners - High House Waste.** The Secretary confirmed he had informed Cornwood Commoners that the Council recommended that they should seek compensation from the Dartmoor Preservation Association for any losses incurred by stock gaining access to the Forestry land through unfenced land owned by the D.P.A. He also reported that Mr. Sampson had written to Mr. Sayer of the D.P.A. asking to hear from him as and when their Solicitors have been able to make progress with regard to the fencing of the Association's inner boundary but had so far received no reply.

(c) **Hentor & Willings Walls Warren.** The Secretary reported he had received further response from Mr. Raeder of the National Trust concerning Messrs. Cole and Skelley's claim that there was inadequate grazing on the land to accommodate their stock with registered rights and the grazing rights granted to the tenant. Mr. Raeder stated that he had referred the matter to the tenant and understands from him that Mr. Cole himself has often grazed in excess of his twenty units on the land concerned and he had asked the tenant to monitor, as far as he is able, the number and nature of stock which Mr. Cole grazes on the Moor. Mr. Raeder also stated that on looking through the correspondence over the years he noted that Mr. Cole's overgrazing had been the subject of correspondence in the past between the Secretary and his (Mr. Raeder's) predecessor. He understood Mr. Cole's rights were registered on the basis of a Statutory Declaration immediately before the date the Dartmoor Commons Act came into force in 1985 and which specifically excluded the transfer of grazing rights away from the land to which they were attached. He noted Mr. Thorneycroft's concern at this situation and that in September 1988 he had written to the Secretary asking him to bring the matter before the Council and Mr. Raeder asked for the Council's views on such a transfer, based on Statutory Declarations that the transfer was made before the Common' Registration Act in 1985. Mr. Raeder had also informed the Secretary that Mr. Patrick Watson will now be dealing with all matters concerning Dartmoor on behalf of the Trust. The Secretary had replied to Mr. Raeder enclosing a copy extract from the Minutes of the Council meeting held on 7th December 1988, setting out the advice received from their Solicitor that as the rights in question had been legally transferred, there the matter must rest but that should any further retrospective declarations occur it would be open to the Council and anyone else to make representations to Mr. Trott if there was any irregularity. The Chairman reported that the planned inspection of Hentor and Willings Walls Warren to check the position concerning surplus grazing would not now take place until August/September as it was too late for this year.

(d) **Discussion on possible Pony Counts.** It was decided to defer this matter for discussion at the next meeting.

(e) Walkhampton Commoners' Association. Mr. Halliday was not present at the meeting so was unable to report on any progress made with the Ministry concerning Range clearance, but the Secretary reported he understood that the Military were not aware of any stock being driven on to Walkhampton Common and an announcement had been made that they would be stopping live firing in the Mistor area.

(f) Devon County Council - Review of Local Government. The Secretary reported he had received a message from Mr. Sampson advising that the Council might like to defer discussion on this matter to the next meeting as it is not urgent and the situation changes from day to day. He thinks it important the Council should be properly informed and that it might be useful to take up the offer of arranging a meeting. Dr. Atkinson thought it would be of little interest to the Council but he agreed to try to find out in what way it would affect the Council and following this a meeting could be arranged with someone from Devon County Council to talk to the Council on the matter.

(g) Surplus Grazing. The question of surplus grazing in general was discussed and the Chairman felt that the letting of it is against the policy of the Commoners' Council. It was felt that the Council should be consulted in each case as the Council carries the blame for problems arising through grazing and they should therefore be involved in deciding whether or not there actually is surplus grazing. Mr. Michelmore said that whilst there is no dispute that if there is surplus grazing, it belongs to the owner of the common, it is very difficult to assess whether or not there is a surplus. Opinions will vary depending on which side of the fence you are on and other reasons. It can only be done by goodwill by, presumably, trying to persuade the Dartmoor Commons Owners Association, which is a voluntary body, to agree a procedure for deciding whether there is surplus grazing. The position with surplus grazing is that the burden of proof does not lie with the owner, but with the commoner. The commoner has to show there is no surplus grazing, not the other way round. Mr. Roskilly felt the Council should have an expert acting for it, a Consultant Ecologist who was not involved with any of the other organisations. It was resolved that the Secretary should write to the Dartmoor Commons Owners Association to try to arrange a meeting with their representatives.

(h) Proposed Formation of Sub-committee of Stocking & Damage Working Party Members. It was agreed that this matter should be deferred to the next Council meeting.

450. Report on Matters dealt with in Committee.

(i) Okehampton Common. The Secretary reported that as a result of the on site damage noted by the Working Party on their inspection, the Council instructed the Secretary to write to the two offenders to stop feeding. One continued to feed but changed his site and both objected to the accusation that they were making a mess. As a result the Council, in committee, resolved that there should be no winter feeding on Okehampton Common and the Triangle or surrounding Forest areas for a period of 2 years and that the registered graziers should be notified immediately. The Secretary had accordingly notified all the Okehampton graziers and the Secretary of Okehampton Hamlets Commoners Association that this action is being taken in order that they would be able to adjust their harvesting programme accordingly for this season. The Chairman said they had held a meeting the previous evening and accepted it. Prior to the meeting Mr. Sampson had drafted the following resolution, which the Secretary read out:

"Resolved that,

(i) In view of serious damage caused to The Triangle (C.L. 135) and Okehampton Common (C.L. 155) by winter feeding in the season 1992/3, the Council desires to prevent a recurrence of such damage and requires all graziers to refrain from feeding on the Triangle and Okehampton Common in the seasons 1993/4 and 1994/5.

(ii) Any feeding on those Commons in those seasons shall be regarded as a breach of Regulation 14 and be subject to immediate prosecution.

(iii) With a view to avoiding feeding adjacent to those Commons on that part of the Forest shown on the plan approved by the Council, no feeding shall take place on that part of the Forest in the stated seasons and any such feeding shall be subject to prosecution as in (ii) above."

The resolution was approved by the Council and it was agreed that the boundary of the Forest to be included should be the area North of a line from Sandy Ford to Kneeset Foot to Kneeset Nose to Okement Head and down stream to Cullever Steps.

The Secretary was instructed to issue a suitable press release.

The Secretary read out a letter from Mr. John Heard expressing disappointment that having attended the May Council meeting he had been unable to listen to the debate on Okehampton Common as it was held in closed session. He stated that neither he nor his family had had any contact with the Council regarding the feeding of their cattle on the common nor to his knowledge had the Okehampton Commoners' Association been approached regarding the subject. He felt the majority of matters could have been resolved cordially had the Council openly approached either his family or the Association. He asked that if Okehampton Commons were on the Agenda for the June meeting it should be discussed in the open meeting so they would have some idea as to where the Council feels the problem lies. Various members who had been present as long ago as 1988 at a meeting with Mr. Mercer, the then National Park Officer, on Okehampton Common when Mr. Savery had taken the Chair confirmed that Mr. Heard's father had in fact been in attendance when the problems concerning the same area were discussed and it was decided to fence in small areas of the Common to carry out an experiment on the regeneration of grass and heather. The Code of Guidance had since been circulated to all graziers and members felt the family were well aware of the problems. It was resolved that the Secretary should write to Mr. J. Heard informing him of the position. The Chairman reported that Okehampton Hamlets Commoners' Association is run by a committee of eight and the meetings are not open.

451. Correspondence.

(i) Native Ponies. The Secretary reported he was still receiving letters of complaint (approximately 480 to date) from all over the world about common land ponies as a result of misleading articles in Redwings Horse Sanctuary's newsletters to their members. Dr. Atkinson said the National Park had received a similar number but as Redwings Horse Sanctuary will not provide what they ask and print an article based on facts supplied by the National Park, they do not reply to the letters.

(ii) E.S.A.'s. The Secretary reported he had received confirmation from MAFF in London that the Council's comments have been noted and will be taken into consideration.

(iii) Uncontrolled Fires on the Commons. The Secretary reported receipt of a letter from the Devon Fire & Rescue Service stating that during March 1993 they received in excess of 80 calls to uncontrolled fires in open moorland on Dartmoor. This did not include the number of calls attended but on arrival found to be properly controlled in accordance with the Regulations. The cost involved was in the region of £26,000. The Chief Fire Officer asked the Council to encourage Commoners to keep to the MAFF Code of Practice when swaling in the future. Dr. Atkinson agreed to try to arrange a meeting with the Fire Officer to try to tighten up the procedures.

(iv) Voluntary Clearance - Holne Moor. The Secretary reported on a letter from Holne Commoners' Association stating that like Buckfastleigh West Commoners' Association they had decided to have a voluntary clearance of their Common over the period 24th and 25th July 1993. The Council agreed this would be beneficial and that the Secretary should write to all local Associations suggesting they do likewise. It was also agreed he should write to MAFF pressing for compulsory dipping and two clear days in the Autumn.

(v) **Cattle Grids.** The Secretary read out a letter from Devon County Council confirming that the siting of a new grid on Brenamoor Common had been approved and the existing grid at Tongue End is to be retained. The grid at Brenamoor Common is number 3 on the programme and will be installed as and when finance is available. The Secretary also reported on a letter and report from the National Park on the Dartmoor Cattle Grid Priorities. It confirmed that the proposals at Belstone had already been advertised and those at Sheepstor and Chagford will be, as soon as the County Solicitor can arrange it. Mr. Mortimore pointed out that stock was regularly being killed on the Warren House Inn Road and he knew of four the previous week. Dr. Atkinson agreed to speak to the Highways Engineer about the possibility of erecting more signs in the area.

(vi) **Secretary of State Appointments to Dartmoor National Park Committee** It was resolved that this matter should be deferred to the next meeting.

(vii) **Venture Scouts.** The Secretary reported receipt of a letter from the Assistant District Commissioner of the Venture Scouts asking if there would be any objections from Commoners to their proposed Mini 5 Tors Challenge 93, starting and finishing at Sandpits. They had sought the permission of the Military, Landowners and the National Park, who had raised no objections and the Council agreed to give their approval.

(viii) **RCHME - Archaeological Survey of the Forest of Dartmoor.** The Council noted receipt of a letter from the Royal Commission on the Historical Monuments of England concerning a survey of the important relic landscapes and archaeological sites on Dartmoor which they will be undertaking. The survey will be carried out by a team of two and should be completed for the whole of the Forest by the middle of 1996 and does not involve excavation, damage to the moor, litter or interfering with the farming regime.

(ix) **Roborough Down.** The Secretary read out a letter from Roborough Commoners' Association to the effect that it had been unanimously agreed and recommended that the Prohibition Order to clear the Down during February and March should be continued and asking for the Council's assistance. It was resolved that the Secretary should carry out the necessary procedures to prohibit stock from Roborough Down, as before, from 1st February to 31st March inclusive for the next two years. He was also instructed to issue a press release expressing the successful effect of the action taken over the past two years and the Association's unanimous request that the action be continued.

(x) **M.A.F.F. - H.L.C.A. Payments.** The Secretary reported on a letter from M.A.F.F. insisting that, as from this year, they must receive the lists of Graziers registered on the 1985 Register by the 1st December in each year and anyone not included on the lists as sent to them will not have common land apportioned to them. It was resolved that in order to allow time for the final lists to be typed and posted to arrive at the Ministry by 1st December commoners must be registered as graziers by the 25th November and the Secretary was instructed to notify everyone accordingly when sending out contribution demands.

452. **Date of Next Meeting.** As the Audited Accounts have to be produced at the first meeting (the Annual Meeting) following the end of the Council's financial year on the 30th June, it was resolved that, as usual, there should be no meeting in July and that the next meeting should be on Wednesday 4th August 1993 at the Village Hall, Postbridge at 7.30 p.m.

It was resolved that the remainder of the meeting should be held in committee and the public asked to leave.

Signed..... *J. O. Hodge*

Dated..... *4/8/93*

DARTMOOR COMMONERS' COUNCIL

Minutes of a meeting of the Council held at The Two Bridges Hotel, Princetown, on Wednesday 6th April 1994 at 7.30 p.m.

Present: Messrs. J. Hodge, C. Alford, J. Reddaway, B. Lavis, R. Savery, A. Coaker, J. French, D. Powell, J. Jordan, I. Mortimore, M. Retallick, C. Abel, W. Cole, S. Wakeham, D. Peek, R. Halliday, S. Reed, R. Sampson, Dr. N. Atkinson, R. Woolcock and Mrs. J. Crick.

Apologies were received from Mrs. L. Pellow, Messrs. J. Cole, J. Wilkinson, J. Greatrex, R. Ashford, A. Gibson.

506. **Minutes** of the last meeting held on Wednesday 9th March 1994 were confirmed and signed.

507. **Matters arising:-**

(a) **Finance.** The Secretary reported that approximately £14,500 had been received for the current financial year.

(b) **Boundary Fencing against Common Land.** Mr. Sampson reported that Counsel's Opinion had been received and he considers that the declaration in the 1985 Act is enforceable through the Courts and anticipates the Court would enforce the custom. Mr. D. Reed, in his letter to the Secretary accompanying the Opinion, wrote that he thought it was fairly positive advice but that at some point it may be necessary to bring a test case to clarify the position once and for all before a Court. It was agreed that members who wished could obtain a copy of the Opinion from the Secretary and that a copy should be sent to Dr. Atkinson and Mr. Gash.

(c) **Boundary Fencing in the East Quarter - Hisley Wood.** The Secretary reported that he had written to the Woodland Trust pointing out the area of fencing involved and the problems the Commoners in the area are experiencing. He was awaiting their reply.

(d) **Walkhampton Commoners' Association.** The Secretary reported he had heard nothing further from Walkhampton Commoners Association since the letter on which he had reported at the last meeting and as yet had received no response from Maristow Estate.

(e) **Pony Counts in South & Part West Quarters.** The Secretary reported that it had been decided in committee at the last meeting that the Quarter representatives should check on the situation with regard to the numbers of ponies returned to the Commons. It was resolved the matter should be discussed further in committee at the end of the meeting.

(f) **Damage - Ugborough Moor.** The Secretary reported that the person causing damage by feeding had been served notice to stop feeding and had in fact removed the cattle from the Common. It was agreed the situation would need to be monitored next year.

(g) **Registered Graziers.** The Secretary reported that meetings of the Quarter representatives had been held to check the lists of those Commoners registered as Graziers and which had been supplied to the Ministry. According to the representatives, many of those registered as Graziers do not in fact turn out stock. Following a vote, from which Mr. Peak abstained, it was resolved that the Secretary should write to all registered Graziers asking them to supply the numbers of stock they turn out on each Common on which they have registered rights and then to ask local Associations to check that the replies are correct. It was agreed that it should be made clear that the numbers should be individual animal numbers, not units, and the maximum number grazed at any one time during the year.

(h) **Trowlesworthy Warren.** The Secretary reported he was waiting to hear from the National Trust with a suggested date for the proposed meeting. It was resolved that a sub-committee consisting of the Chairman, Vice-Chairman, Messrs. D. Peek and S. Wakeham, should attend the meeting which the Secretary hoped would be later in the month.

508. **Report on Matters dealt with in Committee.** These had all been reported on during the meeting.

509. Correspondence.

(i) E.S.A.'s The Secretary reported that the Dartmoor E.S.A. had now been officially announced and read out the programme of evening meetings to be held to give interested parties a chance to find out more about the Scheme and ask questions. He also reported on a herbage monitoring scheme which will be carried out by ADAS over a three year period. They will be contacting local Associations and seeking the owners' permission to insert metal pegs, below the surface of the Commons, to mark out an area a metre square in various sites on the Commons, during April and May and the sites will be inspected again at the end of the three year period. The Secretary had been supplied with maps showing the proposed sites.

The Chairman reported on meetings he had attended at Roborough and Okehampton Camp. If Roborough Down entered the Scheme, under the ESA ponies would be reduced to 36 and in view of the number of ponies kept on the Common they want to convert cattle units to ponies. The Ministry had agreed to see if the officials in London would allow this. At the Okehampton Camp meeting, Mr. Richards had said he was very keen for E.S.A.'s to work.

The Secretary confirmed that the published details of the E.S.A. Scheme were the same as the draft and the Chairman said the Ministry has promised to look at it again if it does not work.

(ii) Mr. Russell. The Secretary reported on a letter sent to the National Park and forwarded on to him, from Mr. Russell of Zeal Monachorum who had reported on what he had seen whilst walking on the north-western fringe of the Moor in March. He had complained of damage and feeding in the North Quarter at Prewley Moor, Lake Down and the Rattlebrook Tramway. At Prewley Moor there were tracks up to Prewley Waterworks, at Lake Down the practice of feeding showed in a round feeder, and on the Forest side of the Lyd there were vehicle and cattle tracks. The Secretary had written to him informing him his letter would be placed before the Council but pointing out that feeding was permitted provided it complied with the Code of Guidance. It was agreed that Mr. Lavis should check the area and report to the Secretary who would then write to the people concerned if damage was found, and to remove the round feeder.

510. Stocking & Damage Working Party. The Secretary reported that the Stocking & Damage Working Party had inspected damage at Mis Tor, Peter Tavy Common and Whitchurch Common and then met to discuss necessary action. It was resolved that the matter should be reported fully in committee at the end of the meeting.
511. Voluntary Summer Clearance. It was resolved that arrangements for a voluntary summer clearance of the common, which had been agreed on for the 24th and 25th July last year, should be left to those local Associations who wished to do so.
512. Date of Next Meeting. It was resolved that the next meeting of the Council should be held on Wednesday 11th May 1994 at the Village Hall, Postbridge, subject to availability, at 7.30 p.m.
513. Elections. The Secretary confirmed that Election Meetings would be held in each Quarter during the week commencing 13th June 1994.

It was resolved that the remainder of the meeting should be held in committee and the public asked to leave.

Signed..... *J. A. K. Hodge*

Dated..... *11/5/94.*

DARTMOOR COMMONERS' COUNCIL

Minutes of the Council meeting held at the Two Bridges Hotel, Princetown on Wednesday 5th November 1997 at 7.30p.m.

Open Meeting

The Chairman welcomed everyone and invited questions or comments from those present.

1. **Graham Palmer** Mr. Graham Palmer stated he wished to read out a letter that he had written to the Council Secretary, the contents of which he said might be of benefit to the Council. The letter commented on the proliferation of letters from the Walkhampton Commoners' Association since they entered into an ESA agreement. It went on to say that they had omitted to write a letter of thanks to his late father, Mr. Ted Palmer, who helped sort out the claims to rights on Walkhampton Common during the Commissioners Hearings. The letter detailed the work carried out by the late Mr. Palmer on behalf of the active graziers on Walkhampton Common. Despite the abuse and hassle from some of the 130 claimants, he reduced the claims to some 6 valid claimants who were named in the letter. He emphasised, that but for the work of late Mr. Palmer, the value of the money now paid out to the ESA participants would be much reduced if not valueless.

The letter went on to explain that the late Mr. Palmer had been instrumental in removing the Burrator catchment area from the Common Land Register, and it was emphasised that in his opinion the Palmer family are the rightful and proper tenants of Burrator catchment area. The letter closed with a comment about increased straying stock from Walkhampton Common, particularly the ponies, which are often found on the Palmer's private land. Mr. Palmer said he was monitoring this situation more closely and will report back to the Council when he was more certain of the details.

The Chairman thanked Mr. Palmer and said that his comments had all been noted and would be put on file.

2. **Tom Pollard** Mr. Tom Pollard stated that over the last two years he had on four occasions asked the Chairman to phone him and had as yet been unsuccessful in getting a response. The Chairman explained that he had many phone calls to make on the Council's behalf and, despite having seen Mr. Pollard on various occasions, he had not realised there was a serious matter he wished to discuss with him. The Chairman asked Mr Pollard not to get in touch with him personally as he was only the Chairman of the Council and any issues Mr. Pollard wished to raise should be discussed by the Council as a body.

Mr. Pollard asked what day the Annual General Meeting was held. The Chairman explained that the August meeting was the annual general meeting when the financial business was discussed. Mr. Pollard asked when the Commoners could query the accounts. He assumed the accounts were agreed before the meeting and went through on a "nod and a wink". The Chairman explained that the Council members had not met prior to the annual general meeting to discuss the accounts but all members had received a copy on the night of the meeting. The Chairman

asked Mr. Pollard to write to the Council if he had any complaint about the accounts.

Mr. Pollard went on to ask for a ten minute forum before each Council meeting so that Commoners could bring up any points they would like to raise. The Chairman said that the half hour open meeting had been suggested by Mr. Don Peach and passed by the Council. Up until now no one else had requested anything different. He said the Council would consider the proposal. Mr. Ledger added that there was some merit in the speaker's request and asked if the Council would consider half yearly or quarterly ten minute open meetings to enable Commoners to air their views instead of them having to write in.

It was pointed out that if Commoners have any problems they should first approach their quarter member with the details even if they do decide to write in to the Council. Mr. Pollard asked how he could find out who his local representatives are. The Secretary stated that lists of Council and Local Association members were available in the office.

There being no more questions or comments from the public, the Chairman closed the open meeting.

Council Meeting

Present: Mesdames M. Alford, P. Newton, M. Phipps, Messrs. J. Hodge, J. Jordan, B. Lavis, D. Powell, S. Dance, M. Retallick, C. Mudge, G. Hill, G. Ledger, C. Turner, I. Mortimore, A. H. Cole, R. Halliday, R. Michelmore, R. Savery, R. Greep, A. Coaker, J. Reddaway, C. Alford, J. Wilkinson, Dr. N. Atkinson, Mesdames C. Seage and A. Robinson.

1. **Appologies** were received from Mr. A. Gibson, R. Ashford.
2. **Minutes** of the meeting held on Wednesday 1st October 1997 were confirmed and signed.
3. **Matters Arising:**
 - a. **Finance** The Secretary reported that approximately £1,000 had been collected in contributions to date. She said that all the bills in the West Quarter had been sent out, and some for the North Quarter. She explained that the system design for the billing had been completed and Commoners information is being imputed into the computer database at the same time as producing the bills. This is a time consuming process which involves careful checking upon completion. She anticipates that all bills will have gone out by mid-December.
 - b. **Walkhampton Common** (i) The Secretary read out a letter from the National Park Officer, which stated that the erection of a fence separating Walkhampton Common and the Forest would not accord with current National Park policy, although it would be for members of the Authority to determine their position with regard to any specific proposal put forward. It was stated that the recent unlawful fencing had not done a great deal to further the Commoners' case other than to assure certain objections. He agreed with the Commoners' Council that the difficulties on Walkhampton Common are best resolved by a combination of co-operation amongst Commoners, including appropriate arrangements for stock

clearing by rangers, shepherding within the ESA provisions and a cattle grid at Merrivale.

(ii) **Cattle Grid.** A Second letter from the National Park's Officer was read out which stated there was an objection to the proposed cattle grid from Whitchurch Commoners Association. It was suggested that a meeting of all parties should be convened at an early stage to establish support in principle for the sighting and design of the grid. It went on to say that the possibility of Highway funding for this was remote. Subject to the scheme being acceptable, the Authority might be able to make a small contribution but the bulk of the funding would have to come from other parties.

Action. The Chairman pointed out that the illegal fence had been removed and asked the National Park to set up a meeting with the relevant parties, as soon as possible, to find out where they want the grid.

(iii) **Straying Stock.** The Secretary then read out a letter from Maristow Estate which stated that the issue of stock being driven off the Forest by the Military is a minor concern in comparison with the issue of illegally grazing stock. The letter went on to accuse the Council of not wanting to participate in the ESA debate at the initial stages. The responsibility of dealing with straying stock had been put upon others when it was an issue for the Council to deal with as they have the statutory powers to regulate the offending Commoners. The letter then detailed the work done in preparation for the application for the proposed fence and the proposed cattle grid.

(iv) **Barrier to Mis Tor Track.** Mr. Retallick wanted to know the reply to the Council's letter requesting a key to the locked barrier on the track leading up to Mis Tor on Walkhampton Common. He was told Maristow Estate had refused to supply a key to anyone but Walkhampton Commoners. The Military, who are responsible for the upkeep of the track, had no objections to Commoners using the track.

Action. After discussion it was agreed that the Secretary should write again requesting that the barrier should be removed or a key provided for the Commoners. It should be pointed out that this track has been used by some Commoners for 50 to 60 years and for sufficiently long a period to establish a prescriptive right.

- c. **Suggested way forward for new pony scheme** The National Park Officer reported that, following suggestions put forward at the meeting of pony keepers on the 8th September, and recent discussions, the National Park did not see a case for re-establishing the old Pony Support Scheme. The only general concensus to emerge was that a marketing study would be welcomed. It was the accepted view that the long term future for ponies on Dartmoor is dependent on ponies fetching a reasonable price in a viable market. A study might also evaluate the present and potential marketing position and recommend how improved pony breeding and husbandry might better match ponies to the market. In general terms the Authority wishes to see a continued presence of healthy ponies on the Commons which make an economic contribution to the hill farmer's livelihood. The Council is invited to support the marketing study, and the Authority would welcome the Council's views on its nature and how it might be conducted.

Action. After some discussion The Council agreed its members would want to study a copy of the National Park's letter, to be able to make recommendations at the December meeting, and it was agreed a copy would be sent to each member.

d. **Bye Law for bikes on Dartmoor** The National Park Officer stated that he had written for the forth time to the Ministries of Environment and Transport to gain a response on the question of a bye law which would control mountain cycling. The ministry eventually responded with an apology for not having replied sooner and that they hoped to make a decision in the near future and will write again as soon as possible. The National Park Officer stated that he will continue to press for a clear response and will inform the Council as soon as he has something definite.

e. **Summary - ESA payment review meeting** The Secretary reported on the ESA payment review meeting she had attended on behalf of the Council at the MAFF Regional Service Centre on 15th October 1997.

She summarised as follows:

1. It is not yet know what money is on offer for ESA payments.
2. Many of the tiers would attract an increase in line with inflation.
3. Priority areas were 1d (unimproved pasture and enclosed rough land) and 2a (species rich hay meadows).
4. Improved supplementary payments.
5. Moorland tier is recognised as being problematic but not a priority.
6. Conservation ceiling to be raised to encourage the repair of vernacular buildings.

There were no further comments from the Council.

f. **Report on Dartmoor Steering Group Meeting** The Chairman reported that he had attended a meeting of the Dartmoor Steering Group on the 21st September 1997. He put forward the request on behalf of the Commoners' Council and all Commoners that the date of the next Ten Tors expedition be changed from May to August because the large numbers of people crossing the Moors at that time of year had an adverse effect on new born stock and nesting birds. The request was not accepted. The steering committee explained that to change the expedition date to August would make it difficult for schools and other organisations to arrange the preparation and training as the children would be on holiday and unavailable. They also said the weather would be too hot in August which would cause further problems. It was agreed, however, that a lot more practises would take place after Christmas on Bodmin Moor and Exmoor which would help take the pressure off Dartmoor. The Council agreed that this was a small step forward as prior to the Ten Tors expedition there are many bus loads of people turning up on the Moor to train.

The Chairman commented on the work being carried out on the Ring Road and at the Moor Gate and that it was a great shame this work was not under taken in the summer months.

The Chairman also reported that the MOD are now picking up unexploded shells and in doing so have made a track up to Steeperton. The National Park Officer said, whilst the moving of shells was a good cause, he was concerned that the means of doing so was extremely damaging to the Moor and he hoped it would not be repeated in other areas.

g. **Result of Abel Prosecution** (i) The Chairman introduced Mr. Nigel Faulks to the Council as the Solicitor who had successfully prosecuted the Abel brothers.

The Chairman said the Council should be pleased with the outcome; although no one had wanted to prosecute, they had been forced to take legal action on this occasion.

Mr. Ledger read out a summary of the case against the Abel brothers. He stated Nicholas and Phil Abel contravened Section 5 of the Dartmoor Commons' Act 1985 and Regulation 8 and 21 of the Dartmoor Commons Regulations. He pointed out that because the Abel brothers would not acknowledge their ownership of the sheep left out during the Clearance Week, the onus of proof was left to the Council. This involved costly and time consuming investigations through the Ministry of Agriculture, Fisheries and Food, before finally identifying the two brothers as the owners of the sheep.

The Stipendary Magistrate, in summing up, said there was a very important purpose behind the regulations of the Dartmoor Commoners' Council and they had a duty to uphold them and deal with offenders. The magistrate stated that because the brothers failed to submit a guilty plea from the beginning it had resulted in enormous costs for the prosecution, which was funded only by the Commoners contributions. He said the Abels should be responsible for a large proportion of those costs and ordered them to pay a total of £14,000 within 28 days. He gave the brothers a conditional discharge for three years, warning them that if they breached the regulations again they would be re-sentenced with greater severity.

Mr. Savery then asked Mr. Faulks for a break down of the court costs and how much deficit the Dartmoor Commoners' Council would have to pay. Mr. Faulks outlined how he had arrived at the costs and said when the costs were paid by the Abels there would be a deficit of approximately £6,000 to pay.

(ii) Mr. Faulks told the Council that MAFF had allowed the Abels to register all five flocks with the same markings. The Secretary stated it was a Dartmoor Commoners' Council regulation that stipulated all sheep should have a distinguishing paint mark as well as an incised ear mark.

Action. It was agreed that the Secretary should write to the Abel family members immediately quoting the appropriate regulation and instructing them to mark their five flocks with five individual ear and paint marks. It was suggested that the Abel family could be asked to use the current sheep clearing period to re-mark their sheep although it was agreed that only additions to the flock should have new earmarks. It was also agreed that all those graziers who had not yet submitted their animal marks for the database be chased up, and that a letter be written to all Local Associations, quoting the regulations and pointing out that all flocks should have individual ear marks as well as paint marks.

Mr. Faulks then left the meeting after being thanked by the Chairman.

4. Correspondence

- a. National Park Experiment The Secretary stated a letter had been received from Mr. Baldock, Ecologist for the National Park, concerning the findings of controlled experiments which had been conducted over the last five years at Lydford High Down, Longstone Hill and Cousdon Beacon. She stated that copies of these results had been circulated to all the Council members and that if anyone else wanted a copy they could obtain one from the Commoners' Council office. The National Park officer recognised that there had been co-operation from Commoners for those areas of the Moor that had been badly damaged by winter feeding. He went on to say that unfenced plots which had been badly damaged

were also monitored. These recovered but not to the same degree, and there was no doubt that their recovery was aided by the Commoners' Council code of practice for winter feeding.

b. **Suckler Cow Premium 1997 and Hill Livestock Compensatory Allowance Scheme 1998**

The Secretary read out a letter she had received from Mr. Edwards, the Assistant Regional Director of Operations, MAFF, which she said was a warning to farmers to have their records in order for the forthcoming inspections. The letter mentioned strict penalties for farmers whose records were not being maintained correctly. Mr. A. H. Cole confirmed that according to his own recent experience MAFF officials are very strict.

There was further discussion concerning the change of location for issuing cattle passports which will be moved from Exeter to Cumbria and also the high cost involved in setting up the new data base to control the information relating to cattle passports. Mary Alford informed the Council that the new database had an annual budget of £15-18 million. It has to pay for itself and as there are only three and a half million calves born in a year, the cost to the farmer will be high. On top of this the farmer has to pay for the cost of the required double tagging.

Action. The Council decided a letter should be written to Dr. Cunningham to object to the high costs involved in this new scheme and the fact that cattle passports were to be administered from the other end of the country. A copy of the letter would be sent to the regional MAFF office.

5. **West Quarter ponies grazing without rights**

The Council proposed to discuss the matter later in committee, proposed by Mr. A. H. Cole and seconded by Mr. B. Lavis.

6. **Matters brought forward at the direction of the Chairman**

Leader 2 Project Mr. Retallick reported he had received information, as a member of the National Park, about the Leader 2 project which covers most of Dartmoor. It is funded from the European Social Fund which aims to sustain local government and revitalise the rural economy. This scheme is in its second year and only 11% of the money has so far been allocated. Some of the money could be directed towards agriculture and hill farming.

Mr. Retallick told the Council he had read about a scheme on the North Yorkshire Moor, which was funded by the National Park, where they assist the hill graziers with sheep dipping facilities. As the Dartmoor Commons' Act states that one of the aims of the Council is to promote proper standards of husbandry, he suggested the Council apply for a sheep dipping scheme. This would be programmed for next year to run for a further two years and would involve sheep listed on the Dartmoor Commoners' Register. The Council, as a Local Authority, is well placed to handle such funding. A funding bid would have to have some idea of costs and any such funds would have to be matched. All sheep farmers on our register would have to be contacted to see if they are interested in participating. He also said that any other suggested livestock handling scheme could be incorporated. A survey would have to be done, rules and criteria for the funds set up, and administration costs included in the bid. For those areas of Dartmoor with moorland grazing which are not included in the qualifying areas of the project, the National Park have indicated that they might be interested in being involved in a scheme like this to take in the excluded areas.

Action. Mr. Retallick said he had prepared some notes and hoped to approach the leaders of the project on behalf of the Council in order to draft a workable scheme to bring before the Council in a month or so. The Council agreed Mr. Retallick could proceed on their behalf.

7. Date of Next Meeting

It was resolved that the next meeting should take place on the 3rd December 1997 at the Two Bridges Hotel at 7.30p.m. (CANCELLED)

The Chairman then reminded the Council that the Clear Days for sheep were from 9th to the 15th November 1997. He also said he had reports of scab on the Moor and hoped these would be dealt with before the next meeting.

A motion was raised for the Council to go into Committee and the public asked to leave the room.

Signed.....*J. O'Keefe*.....

Dated.....*14.11.98*.....

DARTMOOR COMMONERS' COUNCIL

Minutes of the meeting of the Council held at the Two Bridges Hotel, Princetown on Wednesday 16 April 2003 at 7.30 p.m.

Present: Messrs J A T Hodge, J Jordan, P Abel, C Alford, R Ashford, A Cole, A Gibson, G Hill, B Lavis, R Michelmore, I Mortimore, D Powell, R Savery, Mr John Burnett MP, Dr N Atkinson, Dr P Beale and Mesdames M Alford, P Newton, C Seage & L Heriot.

1. **Apologies** were received from Messrs M Retallick, R Halliday, J Hockridge, M Reddaway, and J Wilkinson.
2. **Minutes** of the meeting held on Wednesday 26 February 2003 were confirmed and signed. Mr Retallick informed the Secretary that in item 4.3, second para it should read £10,000. Mr Powell said that he had been misunderstood: it was not £10,000 saving for one call out but an overall saving throughout the year.

3. **Summary of Matters discussed in Committee on 26 February**

3.1 **Cattle**

The Council discussed reports of cattle damage to Knowle Down, Fillace Down and part of the Whitchurch Common around Merrivale Quarry. Members of the Stocking and Damage Working Party investigated the complaints. The Council agreed that cattle owners should be asked to remove the animals from the damaged areas and decided to impose a cattle ban on Knowle and Fillace Down and part of Whitchurch common as soon as the legal procedures could be put into effect. The ban would continue until 1 May 2003 to prevent further damage to the commons. The offending commoners would be asked to reinstate the ground by 31 May 2003.

3.2 **ESA – Non Graziers**

A member of the Council reported that at a recent meeting of the Forest of Dartmoor Trustees, it emerged that an ESA Project Officer had advised a non-grazier that she was not required to continue paying dues to the Dartmoor Commoners' Council after joining the ESA agreement on her common.

The Chairman proposed that the Secretary should write a letter to the Project Officer pointing out that ESA agreement holders are established from the Commoners' Council database of registered commoners. Advising commoners not to register would result not only in loss of revenue for the Council but, if the list of commoners was not kept up to date, it could result in a loss of payments to agreement holders.

3.3 **Double tagging of Sheep**

Mr Lavis asked for the Council's support in objecting to the double tagging of lambs on welfare grounds. The Secretary was asked to write a strong letter objecting to the intended enforcement of the EU Regulations, which requires sheep to be individually identified.

4. Matters Arising

4.1 Report on the Swaling Demonstration

Mr Retallick was unable to attend the meeting but sent a written report, which was read out to the Council by the Secretary.

The Swaling Demonstration on Haytor Down was attended by 14 Fire Officers, DEFRA Members, MoD, Commoners from the South and East Quarters, the Dartmoor Commoners' Council Chairman and Secretary, and a number of Dartmoor National Park Authority personnel.

Eight Haytor Commoners assisted by the Dartmoor National Park Authority carried out a controlled burn on 17 March. The Dartmoor National Park Authority set up road signs warning traffic of the fire and smoke hazard.

The demonstration began with the swipe, clearing two vehicle widths around the area of gorse to be burned, creating a firebreak. This was followed by back burning against the wind until a good width of firebreak had been established. The remainder of the area could then be lit, encircling the gorse. A water bowser was on hand to dampen the area should the fire escaped across the firebreaks.

The local Bovey Tracey Fire Service Captain and crewmembers also attended and all the fire officers were very appreciative of the demonstration. Discussions centred on communications and the importance of mobile telephones. Mobile telephone numbers of helpers were written on the swaling checklist (pocket card) in case of any problems.

The fire officers left after lunch and the swaling continued with commoners and Dartmoor National Park Authority staff on an adjoining site. After a short time the Bovey Tracey fire engine and support vehicle arrived uninvited and unnecessary. After pleasantries had been exchanged they left.

Mr Retallick considered that this incident should be discussed at the next Fire Liaison Group.

The Chairman expressed his thanks to Mr Retallick and the Ilsington commoners for the success of the demonstration. Dr Atkinson reiterated his comments and said the press had credited the Dartmoor National Park Authority with the demonstration but it had been made clear to them that it was the Ilsington commoners that led the exercise. Dr Atkinson suggested that if there was another such event, an official press release should be produced.

4.2 Mr Hill said that the Mary Tavy Commoners had received a formal letter from Defra stating that if there were any more fires on the Mary Tavy common they would not be allowed into the ESA.

Mr Savery proposed the Council write to Defra regarding the threat to ESA payments pointing out that many of the heath fires on the Moor have nothing to do with the commoners and there were concerns about the situation. Mrs Alford seconded the proposal.

4.3 **Animal Welfare Report**

Ms Newton said there had been no specific welfare issues reported to her, however, a Welsh cross bull found on Widecombe common had jumped into a newtake with heifers, which were due for a TB test. The tests had to include the bull. Ms Newton attended both testing days and all the cattle passed. The bull had no form of identification, both ear tags had been removed or lost and the tail had been squared off. The bull was advertised and remained unclaimed.

4.3.1 **Sheep**

Several lame, thin sheep, plus a few with lambing difficulties, had been reported and dealt with. Ms Newton said she had just received a report from a Dartmoor Ranger regarding several dead sheep; Ms Newton would investigate.

4.3.2 **Ponies**

Due to the fine dry weather causing a lack of grazing, several thin ponies that had early foals have had to be dealt with. Hay continues to be fed.

The Stallion Inspections were successfully completed and Ms Newton thanked Mrs Alford, Mr Mortimore, Mr Piggot and all concerned for their help.

Mrs Alford thanked Ms Newton for another successful inspection.

4.3.3 **Pony Passports**

The Secretary said she had received a disappointing reply from Defra regarding pony passports. Defra would only give commoners a concession in so far as ponies would not need a passport until they were removed from the moor, providing the Council sets up a register of mares and stallions. The government would not issue a certificate for foals to go straight to slaughter. A meeting of the Pony Working Party would be held on 25 April with the Dartmoor National Park Authority to discuss the issue and consider a response to Defra.

5. **Proposed Cap Reforms & Implications for Hill Farming**

The Chairman welcomed and thanked Mr Burnett and Mr Gibson for attending the meeting and updating Members on the CAP Reforms.

Mr Gibson said the main elements of the proposals are:

- Decoupling - breaking the link between production and support
- Progressive reduction of the single income payment
- Modulation - transferring money from production support to environmental support payments
- Degressivity – draw off money from production support to fill gap in the CAP budget
- New rural development measures – grant schemes to help compliance with various standards including animal health
- Farm Advisory System – checking compliance

Mr Gibson explained the calculation for the single income payment. He said farmers would receive the money as long as they continue to comply with

legal requirements, good farming practice (yet undefined), and continue farming as many acres as in the base period. This did not have to be the same land; it could be other land, but must be land that is available to the farmer for 12 months of the year and not land under permanent crops i.e. trees or biomass. Common land on Dartmoor would count.

Up until now the hill farmer has received payment for suckler cows and sheep but on the other hand has been offered payments to take them off. This problem would be resolved by single payment provided the land is kept in good order and complied with legal requirements.

The issue for the Council is that in order to get a share of the forage area, a great many people are choosing to sign up as active graziers even though they do not graze the common area as this helps towards the extensification premium and stocking rates. This incentive will disappear with the single payment; the base period which counts towards the entitlement is land that was farmed in 2000-2002.

It was hoped that the issues would be agreed at the June Council of Ministers' meeting, which Greece is administering: 4 days have been set-aside in the hope that an agreement can be reached. If agreed in June, it should be implemented in January 2004, but due to the chaos in the RPA, it is likely that the implementation could be delayed.

Partial decoupling was seen as a problem because it is not clear what it actually means. 7 member states are in favour of partial decoupling, 4 in favour (including UK) of full decoupling and 4 (including French) against any change.

Exeter University has calculated figures for the SW on how much the single income payment might be for the average farmer. Cereal farmers initial single income payments were on average £40,000 pa, mixed farms £30,00 pa, and SDA £24,000 pa.

The pros and cons for the single payment are:

Pros

- One form to complete.
- Less distortion in response to the market (no longer any advantage in sheer weight of numbers).
- If people take the option to retire/get a job this should release land for people who do want to farm. The land would be available without the distorting effect of the subsidy added in, so rents should reflect the earning capacity of the land rather than the earning capacity plus the subsidy.

Cons

- Lower production and loss of competitiveness.
- Unfairness in payments (some landowners could receive a considerable sum for doing nothing).

- If too many farmers opt for taking payments and not farm, the output would fall and the infrastructure (i.e. vets, feed merchants) would disappear and the processing capacity would go.
- UK would cease to exist as a serious farming industry.
- Lower production, higher prices.

Exeter University concludes that the net farm income on Dartmoor, in the short term, would fall as the new system was introduced but as production falls and prices rise, income increases.

The impact of modulation and digressivity means a loss of 1% of the single income payment in 2006, this would gradually increase on the largest farms to 19% by 2012 and effectively take some of the benefits away. The impact is greater on the largest farms; there is no impact on the smaller farms, (this would depend to some extent on the economic situation i.e. the exchange rate).

Mr Gibson believed that in terms of the hill farmers' incomes over the next 10 years the impact would be broadly neutral: other factors would have a greater impact than changes to subsidy systems. The advantages would be to enable farmers to produce what the markets want them to produce rather than the subsidy systems dictating production, less paperwork and freedom from so much red tape. He said it was very difficult to predict the outcome of legislation and advised members to wait and see and to keep their options open.

Mr Burnett thanked Mr Gibson for his presentation. Mr Burnett said the reforms and changes were unbelievably complex and confusing for the producer. He believed it would have a distorting effect on the industry, losing an opportunity to free up agricultural and the market in the interest of consumers and farmers.

Mr Burnett raised 4 other general points:

- Rural Payments Agency – if anyone was experiencing problems with payments to write to him, as he was very conscious of the delays in payments, which were unacceptable.
- TB – this was causing real problems for agriculture and a local deputation was going to meet Elliot Morley. If any member wished to join the delegation to represent the Dartmoor Commoners' Council they would be more than welcome.
- He was disappointed that dairy quotas were staying until at least 2014–2015. He was encouraged about the consultations and discussions on OTMS. He was very disappointed about red diesel in the budget and would debate the issue in support the farming industry.
- Survey on Farming – He congratulated the NFU and other organisations for producing the series of statistics about agriculture. He felt it was important to the industry to show itself off and educate the public.

Mr Burnett concluded his address by saying the “shop window” for agriculture was crucial: diverse markets, interesting livestock markets, agriculture shows, showing exactly what farmers do, and education are all important. He felt that with the combination of diversification, niche markets and the encouragement of young people to farm for the first time in 10 years, there was a little optimism for the farming industry.

The Chairman invited members to ask any questions. Mr Powell was concerned about basing the calculations on extensification scheme. Mr Gibson suggested trying to work out the calculation from the farm accounts and what was claimed in subsidy in the base period. If something has gone wrong in one of the years, it is possible to opt to have that taken out of the calculation and have it based on a different earlier year; there were many different scenarios.

A question was asked about HFA payment. Mr Gibson said this was not a production subsidy, it was a rural support scheme, paid under the rural development regulation and therefore does not count as a “pillar 2” scheme. The Chairman said that many farmers would be worse off when the safety net was taken away. Mr Gibson said the head of Defra HFA Fund had recently visited Dartmoor and, as HFA is presently under review, this point had been made strongly. The NFU is arguing for a case for a type of pyramid payment: an entry-level payment, plus HFA payment, plus ESA etc. The NFU is also arguing strongly that hill farmers suffer a particular disadvantage and this must continue to be recognised.

Mr Burnett said he would be happy to arrange a meeting with the Minister if Dartmoor Commoners' Council thought it would be in their interest.

Mr Powell said it was the first time that any MP had attended a meeting of the Dartmoor Commoners' Council and it was very much appreciated.

Mr Cole raised a question on the rule regarding fallen stock. The required collection of all fallen stock to an incineration centre caused problems for Dartmoor farmers. He gave an example whereby stock can roam into the middle of the moor and get caught in bogs: there can be great difficulty in retrieving them and in some cases there is even a risk to the farmer's life. Another point to consider was the wildlife that live off carrion, particularly dead stock.

Mr Gibson said in the short term the national collection scheme was good but Dartmoor is an exception. It was anticipated that it would take between 2 to 3 months for the collection scheme to be up and running, by which time he hoped there would be a practical solution for the hill farmer.

Dr Atkinson raised 2 matters:

- The Dartmoor National Park Authority has been working with Exmoor on a Life Bid, which is related to all sorts of good things in management terms on the commons. He has been given to understand that the bid is not likely to get support from Defra on the basis that many things included on the wish list are already available under the Rural Enterprise Scheme. The reason for working with Exmoor was

to add weight to a bid from the South West for funds that help Moorlands.

- The Dartmoor National Park Authority was still intent on progressing forward the recommendations from Exeter University in last year's State of Hill Farming Report on Dartmoor. In the next 6-8 weeks it was hoped to take forward the recommendations to provide assistance for the survey Critical Use of Hill Farming.

The Secretary asked Mr Gibson for clarification on the commons and the forage area payments under the new scheme. Mr Gibson said that commoners who have entitlement to single income attached to common land, because they have registered as graziers in the past, would have that entitlement. They would need to continue to register as graziers in order to get a share of the forage area to which their single income payment was attached. Current active graziers would continue to pay as active graziers but now there is no incentive for a commoner who is a paid up non-grazier to convert to grazier in order to get a share of the forage area.

Mr Gibson said there was to be a review on the HFA but at the present time there was no consultation paper but when he received it he intended to put together a joint working party from Bodmin, Exmoor and Dartmoor. He extended an invitation to the Chairman, and any another members who might be interested to join the working party.

The Chairman thanked Mr Burnett and Mr Gibson for attending the meeting and informing members on developments.

6. **Proposed Vision for Dartmoor**

Dr Atkinson began by saying this was an initiative the Council had proposed to achieve more harmony on the Moorland. Commoners are the main managing force on the commons and their livelihoods depend on it. The commons are influenced by a whole range of bodies with powers, regulations, wishes and needs. All affect the commoners who are not clear what is required of them and are unhappy with some of the demands and impacts.

The next stage was to arrange a meeting between the Dartmoor National Park and representatives from the Council to agree the precise issues, objectives, and the way forward. Dr Atkinson believes it is a worthwhile project. He said it was necessary to focus on key personnel who, through powers, affect activities, i.e. Defra, English Nature and English Heritage, and obtain a shared vision for Dartmoor over the next 5-10 years.

Dr Atkinson informed the members that the date for the publication of the draft access map for Dartmoor was 13 May.

Dr Beale commented that it was important to recognise the contributions that the farming community makes to Dartmoor. There were important issues to be discussed; especially the issues that would affect farmers and graziers within the foreseeable future and agreed that the first meeting should be between the Park and the Council representatives to settle objectives. He hoped some younger farmers would become involved, as it was their future. Dr Beale said he would be happy to help in anyway with the debate.

7. Correspondence

7.1 Defra – Dartmoor ESA – Payments of Common dues by Non Graziers

The Secretary had received an irate letter from Mr Crowe regarding the accusation that he had advised non-graziers not to pay the Commoners' Council after joining up with an ESA agreement on their common. Mr Crowe denied that he or his colleagues had ever advised non-graziers on such matters, as he understood the need for cooperation. Mr Crowe has always been grateful for the Dartmoor Commoners' Council lists and has recommended that people register with the Commoners' Council.

The Secretary informed Members that Mr Gibson was in full support of commoners paying their contributions, and had recommended that commoners belong to their local association and register with the Dartmoor Commoners' Council throughout the life of the project.

Mr Powell raised a concern about the fact that Mrs Locketti of Land Charges, Devon County Council had resigned her post. Mr Powell asked the Secretary to write to Mr Gash recommending that the person for that post should have some background knowledge of farming and Dartmoor.

7.2 Defra Questionnaire

The Secretary said all Members had been given a copy of the Rural Delivery Review Questionnaire, which had come via the Dartmoor National Park Authority from Lord Haskins and Defra, asking for views to help shape rural delivery. Lord Haskins would be making recommendations to government in the summer on how rural delivery arrangements can be improved so they produce the maximum possible benefits and provide customers with the highest possible quality of service.

7.3 Dartmoor Pony Society

The Secretary had received a letter from Mrs Vanstone informing the Council that the Society has now received funding through the Dartmoor Sustainable Development Fund and are going to carry out a feasibility study, which includes identifying any unregistered Dartmoor types running on the commons. The Society would still appreciate the support of the Council, as it believes the study is important to the Dartmoor heritage.

7.4 Ban on Whitchurch Common

The Secretary had received a letter from the commoner who was banned on part of Whitchurch Common saying that he felt an individual giving a false impression to the Council made the complaint. The Local Association was dealing with the problem and there was no need for the Council to become involved. He felt he was unduly blamed for the damage around Merrivale Quarry as approximately 20 ponies use Shillapark wall for shelter and live in the area all the time, crossing the leat regularly. Other commoners, Dartmoor Commoners' Council members included, drive land rovers up and around Shillapark wall regularly to gain access further out on to the moor. This can be seen by the amounts of wheel marks that are left behind. The extensive work carried out on the leat maintenance has helped to stop the water that drains off the moor from running down to the leat close to the wall. Instead the water is washing out the tracks caused by diggers and vehicles used on the leat during a very wet time. The commoner asked that in future the Council