

Attendance Note of Part of Meeting of Dartmoor Commoners' Council

Date: 4 December 2024

Item 10: Limitation Notices

In Attendance:

Members of the Dartmoor Commoners' Council and Secretary.

Key Points Discussed:

* Chairman's Introduction:

The Chairman introduced the following proposed Resolution:

"The Council has considered its power to issue limitation notices to limit the number of livestock depastured on any unit of the commons pursuant to Regulation 9 of the Regulations Prepared Under Section 5 of the Dartmoor Commons Act 1985 and its duties pursuant to sections 4(1) and 5(1) of the Dartmoor Commons Act 1985, sections 28G(1) and 28G(2) of the Wildlife and Countryside Act 1981 and Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 and has RESOLVED to not issue any limitation notices __at this time __for the reasons contained in the Report prepared by the Chairman of Dartmoor Commoners' Council dated 26 November 2024."

Members were reminded that this proposed Resolution was detailed in the Report Prepared by the Chairman of Dartmoor Commoners' Council dated 28 November 2024 (the Report) circulated with the Agenda and all supporting documents as set out in the Appendix to the Report.

* Legal Context:

* Powers and obligations under the Dartmoor Commons Act 1985, Wildlife and Countryside Act 1981, and Conservation of Habitats and Species Regulations 2017 (as set out in detail at section 3 of the Report) were reviewed.
* Council members were sent all the written public comments received prior to the meeting and asked to read and consider these as part of the process.

Highlights from Council Members Comments

* Environmental and Practical Concerns:

* Discussion highlighted SSSI conditions, overgrazing, and under grazing challenges, including outdated data from Natural England and recent findings from assessments conducted by other stakeholders.

* Issues were raised regarding the complexity of implementing limitation notices, the risk of creating grazing vacuums, and the need for proportionality and fairness across the commons.

* Concerns were expressed about the impact of grazing reductions on farming viability, wildlife, and landscape management, including issues with vegetation dominance, fire risks, and erosion.

Limitations of Issuing Limitation Notices:

* Limitation notices must be issued on a unit-by-unit basis. A determination of overstocking of a particular species of livestock is required, and any limitation notice must:

* Apply to all commoners with rights to depasture that species on the specific unit.

* Be implemented proportionately and on a pro rata basis across the entire unit.

* Limitation notices on SSSI sites would require consent from Natural England. Failure to secure consent could lead to prosecution for criminal damage to a protected site. For commons under HLS agreement any limitation notice could cause a breach of that agreement.

* Role of the Land Use Management Group (LUMG):

The importance of working within the framework of the LUMG was emphasised. This group is in the process of being established and aims to formalise collaboration with stakeholders, including Natural England, to pool information and develop effective management strategies.

* Future Collaboration with Natural England:

Optimism was expressed about working with Natural England's new team to balance grazing and conservation needs in a more realistic and collaborative manner.

The chairman re-read the proposed Resolution including the revised wording to include 'at this time'.

Resolution Voted Upon:

"The Council has considered its power to issue limitation notices to limit the number of livestock depastured on any unit of the commons pursuant to Regulation 9 of the Regulations Prepared Under Section 5 of the Dartmoor Commons Act 1985 and its duties pursuant to sections 4(1) and 5(1) of the Dartmoor Commons Act 1985, sections 28G(1) and 28G(2) of the Wildlife and Countryside Act 1981 and Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 and has RESOLVED to not issue any limitation notices at this time for the reasons contained in the Report prepared by the Chairman of Dartmoor Commoners' Council dated 28 November 2024."

Vote Outcome:

* In Favour: 22

* Abstentions: 1

* Against: 0

Conclusion:

The Council decided not to issue limitation notices at this time, emphasising the importance of collaborative efforts through the LUMG and with Natural England to address environmental and agricultural concerns in a balanced and informed manner.