

DARTMOOR COMMONERS' COUNCIL

Minutes of the meeting of the Council held at Two Bridges Hotel, Princetown on Wednesday 8 February 2012.

Present:

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| Professor I Mercer - Chairman | Mr A H Cole | Mr B Lavis |
| Mrs M Alford | Mr J Cooper | Mr M Retallick |
| Mr C Alford | Mr P Cottingham | Mr R Savery |
| Mr R Ashford | Mr G Hill | Mr R Steemson |
| Mr J Aylett – Deputy Chairman | Mr P French | Mr T Stratton |
| Ms R Burge – Vice Chairman | Mr L Jones | Mr D Webber |
| Mr L Branfield | Mr J Jordan | |

In attendance

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| Mrs L J Heriot | Dr K Bishop - DNPA | Mrs K McKechnie - DLPO |
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1 Chairman's Remarks

The Chairman said that he “ is inclined to give Council a year's notice” at the next meeting. He introduced Karla McKechnie, the new Dartmoor Livestock Protection Officer to Council.

Mr Carl Caswell was unable to attend the meeting as his son had had a car accident in the morning and was in hospital. The Chairman hoped Mr Caswell would be able to attend the next meeting of the Council. Mr Len Jones proposed that the Council should send their good wishes to them. The Chairman confirmed that he had already done so.

2. **Apologies** were received from Messrs A Coaker, I Mortimore, R Piggot and D Powell.

3. Confirmation of Minutes

There were two amendments - Item 4.2 – second bullet point – should read, “A campaign directed at dog owners will commence by March 2012 and not “would be completed by”. Item 5.2. – Guided Walks - it should read, “ The National Park Authority has a new arrangement” and not “has wound up”. The amendments were noted and the minutes of the meeting held on 30 November 2011 were signed as a correct record.

4. Matters Arising

4.1 Office Move to 1 Canal Road

The Chairman thanked and congratulated Mrs Heriot for the efficiency of the office move.

4.2 Sheep Clearance

Mr Cooper, for the North Quarter, reported a very good effort by everyone. Mr Jordan, for the East, said it had been a very good clearance. Mr Savery reported a good clearance in the South. Mrs Alford said the West had been quite good but Mr Cole had experienced problems in his area. As problems had been experienced it was resolved that before the next pony drift and clearance, a meeting should be arranged with the National Trust as soon as possible and an agreement reached. It was considered that a way to remedy the problem would be for the National Trust to make at least one of the enclosures at Trowlesworthy Farm stock proof.

4.3 Fencing At Broad Down

Council had agreed to support the Forest Association's approach to the enclosure of two instrument sites. The Forest Association decision was taken on 19 December. A copy of the Forest Associations' letter to the National Park Authority was received after Christmas. The Forest Association did not object to the process subject to conditions. The letter was circulated to Council asking for a response, two thirds responded with no objections; two more conditions were added because two members raised them. They involved a photographic record be kept of the sites and the fencing and a guarantee of total clearance at the end of the process to the satisfaction of the Council of the day.

The Chairman asked if his letter, and request for opinion by telephone had been an acceptable process. It was agreed that it should only be used in special circumstances. Though only one member had complained.

Mrs Alford said she felt a meeting should have been held to discuss the question as agreed at the last Council meeting and that the result was not unanimous. The Chairman replied that the majority of members had agreed. He apologised for not calling a meeting but believed he had acted appropriately in the circumstances of financial urgency for the partners in the project. Everything had been done properly but it is not the case of the Council giving authority or permission, the Act says that the National Park Authority has to consult the Council, if it proposes to fence or erect notices. The alternative is to apply to the Planning Inspectorate, which may hold a public inquiry. He said Council needed to accept that this was a consultancy to which the majority of the Council had responded. Mrs Alford asked for a list of members who had replied.

4.4 Catchment Sensitive Farming

Mr Stratton said he could provide a brief summary for Members. Catchment Sensitive Farming (CSF) is a joint project between the Environment Agency and Natural England, funded by Defra and the Rural Development Programme for England and working in priority catchments within England. Catchment Sensitive Farming (CSF) delivers practical solutions and is targeted to support and enable farmers and land managers to take voluntary action to reduce diffuse water pollution from agriculture to protect water bodies and the environment. There is an application window of 1 March – 30 April 2012 and grants are available. The target area is all land feeding into the Dart, Slapton, Salcombe to Kingsbridge, Yealm, Erme and Avon catchments. To find out whether you are within the Dart catchment boundary and more about the scheme go to the website www.naturalengland.org.uk/ourwork/farming/csf/cgs/catchments.aspx or contact the Dart Project Officer Lizbe Pilbeam on 07748 105971

4.5 Dog Attacks

Replies had been received from the three District Councils informing Council that dangerous dog enforcement is a police matter. The Chairman suggested that Mr Caswell, Animal Welfare Officer, Torridge District Council, most likely gets his powers of enforcement and on the spot fine, from the Dog Control Order, which only a district council or parish council has the power to make.

The National Park Authority has written to Defra concerning the question of applying the CROW Schedule 2 to Dartmoor.

Dr Bishop updated Members on the progress of the dog campaign. He said there are two elements to the campaign, raising awareness and enforcement. Mr Andrew Watson, Senior Access & Recreation Officer is the lead officer. Dr Bishop distributed to members draft examples of the fliers, posters and pamphlet for the campaign, the key messages were bullet points. He said the messages had been tested on the public and the shock tactics i.e. savaged sheep, did not seem to work but the softer approach did. Once the text and imagery has been agreed the aim was to go “live” in March and all the literature would be widely publicized.

With regard to the enforcement part, the National Park Authority is in contact with West Devon Borough Council and they are looking at ways of working more closely with the National Park rangers and the dog wardens. Discussions involve possible funding to buy in extra hours for highly visible patrols specifically in the hot spots that Mrs Jane Cole’s map had identified. Approval for the planned arrangement has not yet been given and the National Park is waiting for the costing. A letter has been written to the police to find out what is needed as evidence for prosecutions, and if Roborough Down has been identified as a “Problem Solving Plan Area”. He said that as a “Problem Solving Plan Area” Roborough Down will receive special attention by police and when a complaint is received the police will prioritise the area. The National Park is also talking to South Hams and West Devon and parish councils about the potential of introducing a dog control order; the advantage of this is that it makes enforcement by fixed penalty a lot easier. Dr Bishop asked Members for feedback on the dog awareness literature and asked permission to use the Council’s logo.

A discussion followed and it was generally agreed that the data showed Roborough Down as the worst part of Dartmoor for dog attacks on sheep although Newbridge was also badly affected. It was felt that parish councils in the problem areas should be asked to lobby their district councils with regard to the problem of dogs fouling and the possible dangers to public health. Members raised concerns at the length of time it took to obtain information from the DVLA about the identification of dog owners from car number plates.

The Chairman said letters had been written to the Chief Constable, one was from the National Park regarding the worsening problem of dog attacks, and the second from the Dartmoor Commoners' Council regarding road traffic accidents and ponies. He considered that progress was being made regarding this highly emotive subject. He said that the CLA have published a leaflet about dog control and asked Mr Cottingham, if the NFU might add their support to this Council’s campaign.

4.6 Next Generation

Ms Burge said that so far she had received no interest from young farmers in attending Council meetings. She raised two questions; are there any young farmers coming through and was there a future for the Council? The matter was discussed at length about the best way of encouraging interest from the younger generation. It was recognized that it was important to get them interested in managing the commons. Council agreed that a way to engage with them might be for a Council member from each quarter to recruit a young person (preferably from outside their families) and a meeting would be set up in informal surroundings for a discussion. The members who volunteered were for the South – Ms Burge, the West – Mrs Alford, the North – Mr Cooper and the East – Mr Branfield. Mr Branfield suggested that it would be a good idea if the Chairman would explain the origins and history of the Act at such a meeting.

5. Matters brought forward

5.1 Trading Standards Exercise

Mr Retallick informed Council that he had been invited by the Trading Standards Animal Health Section to attend an exercise on Foot and Mouth. The scenario was a foot and mouth outbreak at Exeter market and what would happen within the market, dealing with the public and livestock. A variety of agencies were represented along with four farmers; lessons learnt from the previous outbreaks were discussed. Mr Retallick did not think a lot had been learnt from the previous outbreak but issues surrounding communications had been highlighted and improvements made. Mr Retallick had brought along some information leaflets for any Member who might wish to have one.

Mr Retallick also distributed some information pamphlets about the various training days the Hill Farm Project had organised.

5.2 Cattle Grids at Chagford

The Chairman said that the Department of Transport have turned down the application made by the Devon County Council for the provision of cattle-grids and associated by-passes under sections 82 to 90 and Schedule 10 of the Highways Act 1980. There had been no objections to the cattle-grid at Runnage Bridge but objections had been received for Langaford Bridge, Higher Stiniel and Weddicott Cross. He said that there had been more trouble this winter with ponies going onto the B3212 from the small commons south of Chagford. The Chairman asked if Council agreed that a letter be sent to Defra, Devon County Council and the Department of Transport stating that the grids were badly needed and that the Chagford Commoners still had the funds to put them in. Council agreed that a letter be written.

5.3 Duplication of Rights

Mr Hill suggested that Members might wish to get the relationship of their registered rights on their home common and those they held on the Forest clarified. He was thanked for his advice.

The Chairman said that the Council had passed a resolution in 1994 determining that rights on the Forest were separate from rights on the home common. The point was that when the 1965 Act was passed the Forest was not a common, and therefore there could be no historic legal relationship between the two sets of claimed entitlement. The Dartmoor Commoners' Council registered the Forest as common land under the 1965 Act and the owner decided not to object to that, but did attend the hearings into the claimed entitlements to graze and offered a view on all those before the Commissioner. The Commons' Commissioner sorted them out and his judgement on the Forest and its grazing entitlements was made and published in 1983. It is on this basis that ever since, the Council has accepted that there are people with rights on the home common and a separate right on the Forest. The Commissioners' judgement has not so far been challenged in court.

5.4 Prescriptive Rights

Mr Arnold Cole informed Members that he was getting a second legal opinion on the efficacy of rights by prescription and felt Council should be informed. Mr Cole was of the opinion that the question of prescriptive rights was not adequately resolved.

5.5 Ponies – RTA

The Chairman informed Council of an RTA incident involving a pony on the B3212 by Leedon Tor in January. The pony suffered two broken front legs and crashed over the bonnet of the car. The police had refused to let a commoner shoot the pony and insisted that a vet was called out. After some time the vet appeared, shaved the pony's neck and give it a lethal injection; the pony was too heavy to be moved and so the contaminated body lay beside the road all night. The Dartmoor Livestock Protection Society had written a strong letter to the police. The Chairman had written to the Chief Constable, on Council's behalf, asking him to clarify the powers of commoners, the police and national park rangers at such an incident.

5.6 Ponies

Mrs Alford asked Council if it would cause letters to be sent to all the vets around the Moor and to relevant welfare bodies interested in ponies reiterating that there is a protocol in place and that every pony belongs to someone. It was suggested that this should be an annual letter sent out in the spring.

5.7 Fence by Little Yennadon

It had been brought to the Chairman's attention that there was a problem concerning fencing on the B3212 road. The piece of fencing affected is just beyond the Sharpitor cattle grid on the B3212, and after a short distance there is another cattle grid on the lane that come in off Little Yennadon common which abuts the B3212 for 220 yards. The fence from the cattle grid to the eastern boundary of the common along the side of the road is critical to the effectiveness of the grid. The Chairman asked for Council's authority to write to the County Council saying that the fence is a highway authority's responsibility, as must have been intended when the cattle grid was put in. He said the verge on the other side of the B3212 is also Yennadon common and therefore the road is part of the common. A copy of the letter would be sent to the local Devon County Councillor, Philip Sanders and member of the National Park Authority Mr Nigel Hosking.

6. Estimates

The estimates for the financial year 2012/2013, together with explanatory notes had been sent out with the agenda. The Council adopted the 2012/13 estimates. It was noted that a small percentage had been allowed to raise staff costs, this triggered the congratulations of the Council to Mrs Heriot for her readiness in assuming the role of Secretary, and the efficiency she had shown since September 2011.

7. Common Land – Change of Use

7.1 Council was notified that the Tavistock Golf Club wanted to relocate the 9th green and tees. The Chairman said he had looked at the plans and that it was a straight exchange of land and that no reaction had been received from the Whitchurch commoners.

7.2 The Chairman had sought legal advice on whether common rights persist if land to which they are attached ceases to be in agricultural use. Their advice is that if a farm turns totally into a golf course, or is developed in any other way the common rights attached to it still exist unless the proper process to remove them from the register is pursued.

8. Dartmoor Commoners' Council Elections 2012

Members were given a list of those whose seats are due for election in May 2012.

9. Update of Farming Futures

Mr Waldon was unable to attend the Council meeting but he had submitted a report, which was read out by Dr Bishop (see attached).

10. Date of next meeting

The next meeting of the Council will be on Wednesday 4 April at 7.30 p.m. at Two Bridges Hotel, Princetown.

Signed:.....

Date:.....