



Common and on the other side it abuts the B3212. There is a minor road crossing the common, which joins the B3212. A cattle grid is on that road and about 200 metres of fence runs from the grid to the eastern boundary of the common. The argument with Devon County Council is that the cattle grid is only effective if the fence is stock proof and they must be integral, therefore it must be the Highways' responsibility to maintain that fence. Devon County Council's response so far is that the fence was erected as accommodation works during the installation of the cattle grid. The Chairman suggested to members that "accommodation works" are put around work whilst it is carried out and taken away when no longer necessary. This fence is needed permanently and is in a bad state. He asked for Council's support for the Yennadon Commoners and his action in writing to the Devon County Council and that he would write again if members agreed. Mr Cole felt that a strong letter should be written to Devon County Council, as stock will be put out again and soon there would be a lot of holiday traffic on a busy main road. Members agreed that a letter should be written to the Devon County Council in a similar vein as the Chagford Local Commoners Association.

The Chairman said that whilst they were out on the site they visited Yennadon Quarry. The face of the quarry is extremely close to a fence, which is stock proof, but nevertheless there could be safety issues for horse riders using the area. He considered that quarry managers should be made aware, in writing, that there should be an improvement to the fence line, even if it means taking a few more feet off the common for safety reasons. The issue was discussed. The Chairman felt that it was a question of the owner of the common and the quarrymen agreeing to a new position. Mr Cole asked that Meavy Parish Council be involved as they are trying to make the quarry safer.

## **5. Matters brought forward**

### **5.1 Review of Admin**

In September 2011 there had been a review of the administrative arrangements subsequent to the change of Secretary and it had been decided that the position should be reviewed again the following in April. It was agreed that the original working party of Mrs Alford, Mr Branfield, Ms Burge, the Chairman and the Secretary would meet and report back to Members at the next meeting. Arising from the review the Chairman said that it had been suggested that Council ought to retain a solicitor so that the Secretary can obtain immediate legal advice. He said that since his term as Chairman he had taken legal advice from Mann Jenkins. Mr Mann was willing to be retained by the Council for a fee of £100 plus VAT, which would be deducted from any costs rising from any substantial legal issue. The matter was discussed; there were reservations and some members felt a Commons specialist should be retained, but it was resolved to trial the arrangement for year.

### **5.2 South West Uplands Federation**

SWUF will be holding its 3<sup>rd</sup> Biennial Conference at Exeter Racecourse on Friday 19 October 2012 the subject will be "The Management of Commons in the 21<sup>st</sup> Century". The Dartmoor Preservation Association will host it. The Chairman suggested that it might be beneficial if members and other commoners attended as they could influence discussion.

### **5.3 Devon & Somerset Fire & Rescue Services**

A letter received from the Devon & Somerset Fire & Rescue Services was tabled saying that during the 2011/2012 swaling season they had attended various reported

moorland fires and on arrival found commoners already competently managing the fires. The Services felt this had been a waste of its time and resources.

The matter was discussed and it was established that the National Park Authority's swaling checklist names the authorities to be contacted before burning. Furthermore the Hill Farm Project sends out regular newsletters to all farmers and there was very clear guidance on the procedure of a burn in the last issue. It was suggested that as there appears to be a regular turnover of public service staff, every year the Fire Liaison Group, in conjunction with the commoners and the National Park Authority, update new fire officers of the practice. It was agreed that before the next swaling season begins all parties involved should be advised of the routine and that it be put on the Dartmoor Commoners' Council website.

#### **5.4 Public Inquiry**

There will be a public inquiry on 3 May at South Hams District Council, Follaton House, Totnes into a modification of the boundary of the Forest. Mr Edmunds of South Brent is asking for the extreme southern end of the forest boundary to be corrected, as he believes there was a cartographic error when the 1965 Act maps were produced.

#### **5.5 Meeting with MPs**

Mrs Alford raised the matter of the request by Members to meet MPs. The Chairman replied that the commoners in Mr Stride's constituency had met with him and had had a useful meeting. Southern commoners had met Dr Wollaston at the beginning of the year. Mr Cox's team had been contacted and it was anticipated that there would be a meeting by the end of April. It was understood that Mr Streeter's constituency included a part of Cornwood & Harford Commons and enquiries would be made on that score.

#### **5.6 Dartmoor National Park Authority**

Mr Steemson circulated copies of the Dartmoor National Park Authority revised Ranger Sectors 2012 map. He also distributed leaflets and cards for the "Paws on Dartmoor" dog control campaign and asked Members if they would circulate them as appropriate.

### **6. Moorland Guides**

The Chairman welcomed Mr Simon Dell who updated Members on the future of guided walks on Dartmoor. He said that due to financial cuts the National Park Authority had made the decision to discontinue the guided walks programme. From that decision the Moorland Guides have been created. It is a small co-operative of existing qualified guides who have been working with the Dartmoor National Park Authority in providing and leading guided walks and supporting the educational programme by guiding school groups. The Moorland Guides are aware that there are problems regarding dog attacks and feeding ponies and would be happy to put across any messages to the public that the commoners might wish. Mr Ashford said that in some instances, guided walks could create car-parking problems and suggested it would be better if farmers were contacted and asked to borrow a field.

Mr Dell informed Council that the Moorland Guides would be holding their Annual General Meeting on Monday 22 October at the Fox Tor Café at 6.30p.m. The Chairman suggested that perhaps a commoner could attend that meeting to instruct

the guides in the ways of common. Mr Dell readily agreed to the idea. The website for the Moorland Guides is [www.moorlandguides.co.uk](http://www.moorlandguides.co.uk)

**7. Dispute on Management of West Buckfastleigh Commoners' Association**

The Chairman reported that the dispute over the management of West Buckfastleigh Commoners' Association had been resolved and the protesting letter formally withdrawn.

**8. Tenancy Agreement**

Okehampton Hamlets Local Commoners' Association had asked for Council's advice concerning the use of common rights by a tenant of land that is no longer agricultural. The legal advice is clear that common rights attached to land still exist whatever its main use but unless that land is used agriculturally in some part at least, then the rights cannot be used.

The Dartmoor Commoners Act 1985 Regulation 3 states that "no commoner should 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." The Chairman said that "full agricultural tenancy" has had no meaning since 1995, and that strictly Council should amend its regulation to read "farm business tenancy" (FBT).

The matter was discussed at length and it was suggested that Council discussed this about twenty years ago. The problem of tenancies and related rights are contentious and caution was advised. It was agreed to search the Minutes of the early 1990s for the relevant decision.

The Chairman said it was the Council's normal practice to allow local associations to deal with their own internal problems, but that in this case he had spoken to the Chairman of the Okehampton Hamlets Local Commoners Association and sent him legal advice on the matter. The Association was now happy to deal with its problem.

**9. Date of next meeting**

The next meeting of the Council will be on Wednesday 30 May 2012 at 7.30 p.m. at Two Bridges Hotel, Princetown.

**Signed:**.....

**Date:**.....