

DARTMOOR COMMONERS' COUNCIL

Minutes of the Meeting of the Dartmoor Commoners' Council held at Two Bridges Hotel, Princetown on Wednesday 24 May 2017.

Present:

Mr J Waldon - Chairman	Mr N Cole	Mrs K Little
Mrs M Alford – Vice Chairman	Mr J Cooper	Mr G Mortimore
Mr P Abel	Mr P Cottington	Mr M Mudge
Mr C Alford	Mr P French	Mr M Reddaway
Mr R Ashford	Mr G Hill	Mr M Retallick
Mr J Aylett	Mr J Jordan	Mr T Stratton
Mr P Cleave	Mr S Lake	Mrs A Willcocks
Mr A Coaker	Mr B Lavis	

In attendance:

Mrs S Sloman

1. Chairman's Remarks

The Chairman welcomed everyone to the meeting. He announced that Mrs Karla McKechnie has been awarded second prize at the Dartmoor National Park Dartmoor Awards 2017. Council Members expressed their congratulations to Karla for this well-deserved award.

2. Apologies for Absence

These were received from Mr L Branfield, Mr R Steemson, Mr D Webber & Mrs K McKechnie (DLPO).

3. Confirmation of Minutes

The minutes of the Meeting held on 22 March 2017 were confirmed & signed.

4. Matters Arising

4.1 Basic Payment Scheme on Commons

The Chairman reported that the Foundation for Common Land (FCL) has received a letter from the RPA clarifying when the back payment will be made following the 'Minchinhampton decision'. All claims will be reviewed: For those commons where a surplus was recognised, payments are expected to start from the end of June. Where there is no surplus to distribute, commoners will receive letters advising them of this by the end of June. Council have requested a copy of the FCL's letter to put on file.

Council met with the RPA to discuss the issue of how they treat certain commons which have parts A, B etc. & to see whether the RPA could be persuaded to pay exactly as the common rights are recorded in the 1965 Register. A note from the meeting is attached (Appendix A). Council has written to the RPA to press them on the *principle* of making a payment on land that the recipient doesn't have rights over. We await a reply. The Chairman thanked Mr Philip French for his input at the meeting with the RPA & for preparing the attached note.

4.2 Pony Matters

Defra held a meeting on Dartmoor on the 11 April with various pony organisations from Dartmoor, Exmoor & the New Forest to discuss regulations relating to hill ponies. Defra has issued a consultation on changes to the identification of equines. Mr Stuart Lake & members

of the Council's Pony Working Party responded to the consultation on behalf of Council. However, the election was announced during the consultation period & the note of the meeting was not made available because of Purdah. Defra have therefore been asked by various organisations for an extension to the consultation or for the consultation to be repeated.

Members of the Pony Working Party are still in discussions with the National Trust regarding the issues in the Trowlesworthy area. The National Trust have done a considerable amount of work in order to present their tenant with some clarity on the stock they are permitted to depasture on the land & Council have helped with this.

4.3 Casual Vacancy – West Quarter Representative (Small Grazier)

There were no nominations for a West Quarter representative for small graziers. The post will therefore remain vacant, until Council's full elections which will take place in May next year, when the position will be advertised again.

5. Matters brought forward

- Council's Annual Dinner or Christmas Lunch was discussed & whether it should continue & if so, in what form. It was decided to hold a meal at the Two Bridges Hotel in January & to extend the invitation to all commoners registered with Dartmoor Commoners' Council.
- Dartmoor Hill Farm Project have been successful in securing new funding for the next 3 years with the opportunity to restructure the Steering Group & continue its good work. Council has been asked to nominate a new representative to sit on the Board. Mr Gordon Mortimore was duly nominated & agreed to represent Council.
- The Chairman alerted Council that here have been a few issues relating to swaling & some commons have had to deal with some difficult situations such as owners of common land withholding their consent & Natural England changing their position after agreeing a swaling programme. Council may have to formally lend support, if asked & where appropriate.
- The Chairman informed Council that our insurance policy, which supposedly provides indemnity insurance for the local associations when swaling, does not actually give the required cover. The insurance underwriter has advised that the policy holder will be covered in the event of an incident resulting from swaling *only* if they have a direct responsibility or a direct input into the particular act. This will be looked into further & if Council is unable to have a generic policy, we will liaise with the local associations to ensure that they have the correct insurance in their own name.

6. Update from Dartmoor National Park Authority

- Mr Rob Steemson has completed the list of all County Councillors, District Councillors & just await some confirmation for officer contacts for cattle grids & other infrastructure linked to Highways Department. Will get this all to Sara in June.
- The Huckworthy Common issue reported by Mr Neil Cole at the last meeting is not actually the bridleway gate, but a hole in the fencing attached (blocked by galvanise sheet at present). All of the infrastructure at this site was undertaken by Highways as part of the cattle grid scheme installation & remains their responsibility to maintain, similar to Yennadon common fence.

- The Defra Equine ID meeting was held at Parke on 11 April, however the notes taken are still with Defra who cannot release them until after the election. The actual consultation finished on 16 May & the DNPA have responded supporting Commoners' Council's feedback. Other organisations have asked for an extension to the consultation (see 4.2).
- DNPA Recreational section have updated the 'Where to camp on Dartmoor' leaflet/map which is now available in Visitor centres & website.
- Special Constables have been supporting the Speed Watch initiative by specifically targeting various roads early mornings & in to the evenings. Quite a few local drivers have already been issued with fixed penalty tickets.

Once again, the issue of commercial dog walkers walking dogs on the commons was discussed & whether the DNPA Bye Law on commercial activities could be used to prevent this. The Chairman suggested that we establish what other legislation is available & Mr Paul Cottington (NFU) offered to look into this. The Chairman agreed to speak with members from the New Forest.

The use of Drones on Dartmoor was also discussed again. Mr Tom Stratton confirmed that drones are banned across the Duchy Estate & a copy of DNPA's policy on drones is attached (Appendix B).

7. Council Member's Job Description (Third Draft)

Council Members agreed to adopt the job description. Copy attached (Appendix C).

8. Dartmoor Commoners' Council – Standing Orders

Following Mrs Kate Little's offer to convert Council's Standing Orders into plain English, Council Members have had the opportunity to look at the revised version. The Chairman proposed that the Policy Work Group, to include Mrs Little, get together late summer/early autumn to progress this & report back to Council in due course.

9. Update from Dartmoor Livestock Protection Officer

Mrs Karla McKechnie's report was read out & a copy is attached (Appendix D).

10. Council's Position – Post Brexit

A discussion took place about Council being more involved with the future management of the commons. The commoners of Dartmoor have a vast amount of knowledge & should be able to contribute to discussions on how farmers might be rewarded for land management in the future. However, it was recognised that there is no clear path to engage in this debate & if Council was to take a more substantive role, it would need to change its capacity significantly. This would be particularly relevant if Council was to take on the responsibility to manage any future scheme.

All the English National Parks are drafting a proposal to support upland farming with some form of environmental scheme & putting themselves forward as a potential local delivery mechanism. The Chairman agreed to write a letter to DNPA & make it clear that Council wish to be part of this. The Chairman also agreed to write to Defra & explain that Council wishes to be part of the process & to be actively considered in terms of a potential delivery mechanism yet without giving any commitment on that part until more details are available. The Chairman advised that the National Common Land Stakeholder Group (a Defra lead organisation) is visiting Dartmoor at the end of June & he suggested calling an extra-ordinary meeting at that time in order that Council members can meet with this group.

11. Date of Next Meeting

The next meeting of the Council will be the Annual Meeting which will be held on Wednesday 2 August 2017 at 7:30pm at Two Bridges Hotel, Princetown.

Signed:.....

Date:.....

Notes on RPA's Calculation of Payments on "part" or "split" Commons

There are 9 of these commons on Dartmoor. The Common has one "CL" number for the whole area, but is divided into two or more parts. Usually one "part" is much larger than the other(s) – i.e. Part A 800 ha, Part B 20 ha = Total 820 ha.

In many cases the rights held on the smaller part come from outside the parish boundary, meaning the dominant tenement (farm) is in another parish, sometimes quite a distance away.

The Council had external help to identify all the rights held on the various parts of these nine commons (I believe in the 1990s). Following which, the information has been sent to DEFRA (RPA) annually in the so called DEFRA list. It also enables the Council to easily establish who has the right to graze on which parts of these nine commons.

Commoners on Dartmoor have been concerned how the RPA treat the allocation of forage areas for BPS (and previously SPS). The Council has held two meetings with the RPA at which this (and other) issues were raised. The RPA have now confirmed that they treat all rights registered on a common (CL unit) across the whole, even if an individual's right is over a very small "part" of the whole. The reason given was that they considered it was "administrative reasonableness" to do so.

The Council has written to the RPA as follows:-

"Throughout the Single Payment Scheme, the RPA paid all rights holders on these commons as if they held rights over the total area, whilst some farmers only had rights on Part A or Part B (and very occasionally Part C). The sub-division of these commons was made clear when the rights were registered under the 1965 Act and each year Council's register of rights confirms this situation. We do provide the RPA with a copy of our register each year."

The effect of this form of forage area allocation by the RPA, is to potentially pay money to some Commoners over areas on which they have no rights, effectively reducing payments to others.

The RPA did at our request analyse their payments on one common suggested by us. In this instance it turned out the vast majority of the commoners with rights on only a small part of the common were not claiming on that commons CL unit in their BPS application (see extract from BPS rules overleaf – Commoners cannot meet the cross compliance rules). In that case it had two affects:-

- Commoners with rights on the bigger part were allocated very similar forage area (payments) as if the common had been calculated as two parts.
- Commoners with rights on the small part were not claiming on that common in their BPS application, thereby reducing their pro-rata allocation on the other commons these rights were "split" with.

Commoners therefore appear to have a dilemma – do they claim on a common knowing they only have rights on a part and knowing they cannot meet the rules set out overleaf.

This note is provided by Mr Philip French & is purely to try to clarify the situation regarding part commons and should not be taken as definitive advice (dated 24 May 2017).

Extract from “BPS: rules for 2017”

What farmers need to be able to claim

To claim BPS for their grazing rights on a common or area of shared grazing, farmers must:

- have the correct rights; and
- be using the common land

The common or area of shared grazing used to support their claim must be:

- eligible land; and
- at their disposal on 15 May 2017 - they must be able to exercise their rights by turning out animals on the common on this date.

Farmers must also meet the cross compliance rules. If a cross compliance rule is broken on the common, farmers may have their BPS payments reduced for their whole holding.

What ‘using’ a common or area of shared grazing means

A farmer is ‘using’ a common if they:

- exercise their grazing rights by turning out stock on it, including grazing for conservation purposes; or
- participate in a relevant Environmental Stewardship or Countryside Stewardship agreement on it; or
- contribute to managing the common

‘Contributing to managing the common’, with appropriate consents and rights, includes keeping some of it in a state suitable for grazing or cultivation by:

- clearing scrub that can’t be grazed; or
- some other beneficial activity, for example treating bracken, maintaining internal walls, hedges or fences, or managed swaling (burning).

Also see on pages 28 and 29, which refers to **What rights farmers must declare** and **What rights to claim on**

Use of Drones within Dartmoor National Park

The use of unmanned aerial vehicles (UAV's), more commonly referred to as "drones" are becoming increasingly popular as they become more affordable. We are beginning to see an increase in complaints / concerns expressed from the public seeking quiet recreation, peace and quiet etc.

The use of drones falls into two broad categories:

- Recreational / hobbyist use
- Commercial use for filming

The use of drones is not permitted on any Access Land within Dartmoor National Park without prior authorisation from the National Park Authority. Consent is not normally given for recreational use as our byelaws do not allow for the flying of power driven model aircraft.

Requests for the use of drones for commercial activities such as filming may be considered on a case by case basis.

For land which is not in the ownership of the National Park Authority, the permission of the landowner should be obtained prior to using drones.

The Civil Aviation Authority (CAA) has set rules for the use of drones in the UK:

- An unmanned aircraft must never be flown beyond the normal unaided "line of sight" of the person operating it - this is generally measured as 500m (1,640ft) horizontally or 400ft (122m) vertically
- An unmanned aircraft fitted with a camera must always be flown at least 50m (164ft) distance away from a person, vehicle, building or structure
- An unmanned aircraft fitted with a camera must not be flown within 150m (492ft) of a congested area or large group of people, such as a sporting event or concert

For commercial purposes, operators must have permission to fly a drone from the CAA

Andrew Watson
Head of Recreation, Access & Estates

Dartmoor Commoners' Council Member - Job Description

Dartmoor Commoners' Council (Council) is comprised of 28 members of whom 20¹ 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. There should be only one member of any local commoners' association on Council at any one time².

The following job description is intended to help Members of Council and commoners intending to stand for Council to better understand the role of Council Members. This job description is relevant to those 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.

Council consists of Members who in turn are subject to those duties and functions stipulated by the enabling legislation (Dartmoor Commons Act 1985). Those duties and functions include:

- Ensuring the maintenance of the proper standards of livestock husbandry on the common land;
- Protecting the commons and rendering assistance to any commoner in the maintenance of his rights of common;
- Having regard to conservation and enhancement of the natural beauty of the commons and their use as a place of recreation for enjoyment by the public³.

Job description

1. All Members of Council are expected to undertake their functions in accordance with the duties and functions described above.
2. All Members of Council that are elected by commoners are expected to represent and to provide a point of contact with the commoners in the quarter from which they were elected. This includes regular contact with the appropriate local commoner's associations.
3. All Members are expected to attend and participate in the formal Meetings of Council of which there are usually six per year and if unable to attend to submit their apologies in advance of the meeting. Any Member who fails to attend three consecutive Meetings, without providing apologies and an adequate explanation, will cease to be a Member of Council.
4. At the request of the Chairman individual members may be asked to participate in working groups established to address specific issues or local disputes.
5. Members may from time to time be requested to undertake Council business in quarters other than their own. This might include the counting of livestock and providing independent facilitation to an issue that they have no direct interest in.
6. Members may be asked to provide information to enable Council to carry out its duties.
7. All Members are expected to adhere to the code of conduct as set out in the Council's Standing Orders.
8. All Council Members are expected to declare and update a list of their affiliations and participation in other groups or organisations that might be relevant to fulfilling their functions

as a Member of Council. The opportunity is provided by the annual update of Members' declaration of interests.

Notes

1. The 20 elected commoners comprise 16 commoners who qualify in accordance with paragraph 12(1) of Schedule 1 (Quarter men) and 4 commoners who qualify under section 3 (2) (f) (small graziers) of the Dartmoor Commons Act 1985.
2. Schedule 1 of the Dartmoor Commons Act 1985 section 9 to 13.
3. Part III, section 4 (1) of the Dartmoor Commons Act 1985.

Note provided by John Waldon, chairman, April 2017

Dartmoor Livestock Protection Officer's Report - May 2017

RTA'S so far this year: Ponies: 10 dead 1 injured & Sheep: 27 dead 1 injured.

Sadly the number of RTA'S so far this year are up on last year but we continue to educate & spread awareness to speeding motorists.

The speed visors that have been recently installed are providing us with information that many motorists have been driving above the speed limit.

Wotter in particular, have been suffering these last few months, regardless of continued communications with the larger companies whose vehicles travel those roads. Recently, a lamb was completely flattened & killed by a heavy goods vehicle on this stretch of road.

Gregg Manning & the community speed watch group are continuously monitoring the motorists that travel along the B3212 & the B3357 & we are exchanging information regularly.

Dog attacks are a constant problem & we seem to be suffering needlessly in the hands of irresponsible dog owners.

A serious attack at Long Ash recently resulted in 7 sheep being attacked in which a ewe & 2 lambs were killed. This is having a massive detrimental effect on the farmer's livelihood.

Devon & Cornwall Police & North Yorkshire Police are taking a new initiative to tackle the ever increasing problem with dog attacks & to toughen the laws & fines.

Please keep reporting dog attacks to myself.

There have been many calls where mares have had stillborn foals, I'm unsure of the reasons for this but I know of at least 12 in the last few weeks.

A mare foaling at Yelverton last week lost twin foals but the mare survived.

A foal that fell into a deep watery hole was rescued and warmed through whilst trying to locate its mother to be reunited - thankfully it ended well.

Countless lambs that have been either found or abandoned have all been safely reunited back with the ewes.

Report provided by Karla McKechnie.