

## DARTMOOR COMMONERS' COUNCIL

### Minutes of the Extraordinary Meeting of the Dartmoor Commoners' Council held at Two Bridges Hotel, Princetown on Wednesday 22 January 2025.

#### Participants:

Mr L Branfield (LB) – Chairman	Mr N Cole (NC)	
Ms T May (TM) – Vice-Chairman	Mr W Dracup	Mr J Reddaway
Mrs M Alford (MA)	Mr K Edwards (KE)	Mr T Stratton
Mr R Ashford	Mr J French	Mrs P Warren (PW)
Mr P Cleave	Mr R Jordan (RJ)	Mrs A Webber
Mr A Coaker (AC)	Mr R Leigh	Mrs A Willcocks (AW)
	Mrs K Little	
Mrs D Butterfield (DB) – Admin Support (Teller)	Mrs K McKechnie (DLPO) – (Teller)	

#### 1. Chairman's Introduction

The Chairman thanked everyone for coming. He advised that Arron Jolliffe, Associate, Foot Anstey (Council's legal representatives) is in attendance to observe and see that everything functions well.

#### 2. Apologies for Absence

Received from Mr P Abel, Mr J Cooper, Mr P Heard, Mr S Lee, Mr M Radmore, Mr J Shears & Mr R Williams (likely to be away for a period of time due to health reasons).

#### 3. Business Proposed to be Transacted:

Limitation Notices: Further consideration of the Chairmans's report on Limitation Notices & further discussion/vote on whether to issue any.

LB - As Council members will know, on 4 December 2024, the Council held a meeting to consider my Report on Limitation Notices dated 28 November 2024, the documents set out in the Appendix to the Report and the written comments received from members of the public in advance of that meeting - all of which were circulated to all Council members before the meeting - and to then discuss and vote on whether to issue any limitation notices. At the meeting, the Council held a detailed and considered discussion on whether to issue limitation notices and resolved not to issue any limitation notices at the present time. Unfortunately, however, we did not explicitly refer to the fact that the written comments received from members of the public had been read and taken into account by the Council, and this led to a complaint from a member of the public who was unsure if these comments had been considered. In order to address this, Council has convened this meeting. Before we proceed, please can all Council members present confirm on a show of hands that they have read and considered my Report on Limitation Notices dated 28 November 2024, all of the documents set out in the Appendix to the Report, and all of the written comments received by members of the public?

[A SHOW OF HANDS WAS CALLED FOR BY THE CHAIR]

All but one Council member has confirmed on a show of hands that they have considered all of these documents, including all of the public comments received. The Council Member who has not raised their hand is Mary Alford. I will now open the floor to discuss the proposed resolution, which is as follows:

*"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."*

I'm going to start because one of the things I find interesting, certainly in the re-reading of what came in from the general public was the fact that they expected Dartmoor to look like many of the uplands areas in the rest of Europe. And I investigated that a little bit in December and spoke to a lot of commoners from around Europe on a visit to Geneva to speak there at the European Commoners conference. And the one thing that struck me was we aren't like any of those upland areas in any of the European countries. We haven't got as many trees. My own personal conclusion is that we had a different industrial background to what those areas had, and certainly speaking to those guys from Finland, the likelihood of us getting a lot of trees established on Dartmoor, you are going to take a couple of generations to do. So, I thought that was that was quite interesting in something that I hadn't really considered. But the likelihood of reforesting all of Dartmoor is quite unlikely. Any other comments, who would like to start?

AC - Mr Chairman do we need to go over again the problems with Council issuing limitation notices?, I've been on Council long enough to remember when we did have them in headage payment days and SSSI's and commons and these adjacent commons were the contiguous commons of rights. Do we need to go all over that, as we all know the problems?

LB - I think it wouldn't hurt just to highlight some of those.

AC - Well Mr Chairman, as we all know under the Dartmoor Commons Act how we issue limitations is quite rigid. They have to be applied evenly across the whole of a common. You can't pick and choose where and who within a common. And so if part of a common is in a SSSI and is deemed to be much more fragile or all the stocking has to be much lighter for whatever reason, we have to apply it evenly, even though it doesn't need to be.

If you apply a limitation on one common and there are contiguous commons all around it, you immediately create a vacuum, which draws in stock from next door. And you'll know that as practicing commoners it's very, very difficult to escape that reality, and this we've seen that over the years. And I do recall that in the comments received from the public, there was one that was quite separate from the others and it came from a commoner about a specific issue relating to CL190. Do we want to discuss that separately, or do we need to discuss it now or what we should do?

LB - I think that's probably something that's to discuss separately and to get a little bit more background on.

NC - Do you want to know where we stand with that in my quarter at the moment? Because what has happened has changed.

TM – That public comment specifically was asking for a limitation notice.

NC - And the situation with that has changed. Do you want me to enlighten everybody?

LB - Just briefly then please Neil.

NC - Basically, it was asked for, but upon studying it more and looking at the situation on this common, it's felt now that it's not appropriate after speaking to several people and we're entering into negotiations with people. There are a lot of things happening on that common, which is going to be looked into. So actually now, as far as I'm aware, Charlie is not asking for a limitation notice to be put on the common. So that is withdrawn. So as far as I know, there are no limitation notices being asked for on any commons, but there's other issues that we want studied to make sure it's right and I believe those conversations are going to be had.

DB - For clarity, is that Mr Charlie Serpell?

NC - Yes, Mr Charlie Serpell originally asked that and I've spoken to graziers and non-graziers and Charlie, and as it stands at the moment, he is not asking for a limitation notice to be applied just asking for dialogue to be opened to do with other issues on the common.

DB - Thank you.

RJ - Mr Chairman, can I ask, do you have a plan going forward for that common then? For that common that Neil was just talking about?

LB - We have a plan, and Neil's aware of the plan.

AC - I was going to say we propose Mr Chairman, that we offer any help that we can in mediating the issues down there.

LB - That is part of a plan.

AC - I didn't say we shouldn't be able to solve the problem, but we're offering to try.

NC - This is nothing to do with a limitation notice, but there have been issues down there which have been going on far too long and which need sorting out. I don't want to hand them on to the next generation.

LB - Are there any other comments on the limitation notice please?

MA - Can I just ask, has Neil got any conflict of interest?

NC - On the common? No rights are held by me.

LB - No. I didn't think so, otherwise, I would have raised this.

AC - We're not getting into the nitty gritty of that common now.

LB – No. Returning to limitation notices. Let's get the discussion back to the thoughts on what anybody's read or digested or any other thoughts on the public comments.

AW - I think we're at the cusp of so many things at the moment, aren't we? We've got the SSSI assessments being undertaken and hopefully, the results of those assessments will be out sometime in 2025. We are also on the cusp of the Land Use Management Group being set up, and I think any consideration for limitation notices at the moment is quite a vulnerable time. I think moving forward, we'd have a much better idea of (A) the state of the commons and (B) how we can deal with the state of the commons as more of a collective, working hopefully with Natural England and other interested parties through the Land Use Management Group. So, I think our future is far more exciting for the right reasons rather than for the wrong reasons. And I think I'd just like to draw attention to a comment made in the comments from the public, which is that sudden limitation notices with no clear justification or specific aim are likely to have serious unintended consequences, and I think that sums it up in a sentence.

LB - Any other comments on the limitation notices, or do Council feel they're well enough informed to vote on this now? Everybody prepared for a vote?

RJ - If you do have a plan for that one common going forward, then yes. Correct me if I'm wrong, but my common sense dictates that as that common is mentioned in those public comments, we have to be seen to do something.

AC - Through the chair, I understand there was a request from a commoner down there to do something, although the crux of the request didn't fit with the limitation notices as we're discussing them. It was asking for a targeted limitation, which we can't do. There is a wealth of problems with that common split into several different units.

RJ - I know I'm new to the Council, but I am fully aware of the issue, but it needs to be clarified.

LB – That's something for the next meeting. At this time, until we've had proper dialogue with the commoners involved, we need to decide whether we're going to issue a limitation notice.

NC - I'll just reassure Rob if I may, Mr Chairman, in terms of the limitation notice, it wasn't targeted at anybody specifically or whatever else, it was asked for because of the problem, but then it was found that actually it wasn't suitable.

RJ - I'm just happy if the chairman's got a plan and that's happening, then fine.

LB - That's for the next meeting.

MA - If you've got a plan Mr Chairman, then we all need to see the correspondence going back as long as it's started.

LB - That's part of the plan.

MA – You're not telling us, what is your plan?

LB - I'm not prepared to tell you the plan tonight, Mary. We are here to discuss limitation notices. You will find out at the next meeting.

MA - We all need to find out a little bit

LB - You will find out more at the next meeting.

MA - Fine. It seems very strange that we all had a letter yesterday.

LB – That is not for discussion now Mary. We're just here to vote tonight on whether there should be a limitation notice at this time. And I think everybody's prepared to vote.

AW - Can I ask, today we are to make a decision on limitation notices. But what happens if a request comes in tomorrow? Is it then something that we will deal with, that would be an agenda item at every meeting?

LB - It'll be on the agendas as necessary.

AC - Through the Chairman, there seems to be the presumption by some people that we would shy away from this. If you go back in the minutes 20 or 30 years, you will see that isn't the case.

LB – We have never shied away.

AC - No, every minute of this Council was spent dealing with allegations of damage and overstocking and all the rest of it. It was a different era.

AW - And we've not had a request for a limitation notice before now.

AC – Technically, we have issued stock reductions notices due to particular circumstances. And the fact that it isn't on the agenda meeting by meeting doesn't mean we're not all out there looking at it. If we see something wrong, we act. That's how Council works.

KE - My feeling is, and I expect everyone agrees, that Natural England have done their share of restrictions, whether we agree with them or not, but nearly every agreement on all different parts of the moor has included some livestock restriction of some sort. Nothing to do with us, really we can't do anything about that.

PW - Mr Chairman I thought that tonight's meeting and the discussion about the limitation is specifically to address the problems we have with the court case and Wild Justice. So, we've already been through what Wild Justice are complaining about, but that's where we should be focusing what we're thinking tonight when we talk about limitation notices. That's what I understood. this meeting was supposed to be addressing.

AC - Equally we're here because we didn't discuss enough in the right way at the last meeting.

NC - I would say, trust me, in our quarter, limitation notices have been discussed at great lengths and no decisions would come to lightly, but it's not appropriate for this moment.

LB - No, exactly, that's where we are. Right I'm reading the proposed resolution out again and we will take a vote:

*"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 BY SHOW OF HANDS

RECORD SHOW OF HANDS	FOR	AGAINST	ABSTAIN
	12	0	6

RESOLUTION PASSED AND THE MEETING WAS CLOSED AT 7.58PM

**Signed: *Layland Branfield***

**Date: *5 February 2025***