



Dartmoor Commoners' Council

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Letter by email: Brentor Parish Council,

11 October 2019

brentorpc@yahoo.co.uk

Dear Mrs Oxenham

Thank you for your recent correspondence. A number of people have contacted the Dartmoor Commoners' Council with concerns relating to the cattle that graze on West Blackdown Common.

Council has written to the farmer to alert him to the reports received and to advise him of the Health & Safety Executive's guidelines for livestock kept in an area with public access.

Cattle grazing is an essential part of maintaining the condition of the common land and cattle have grazed the commons on Dartmoor for hundreds, if not thousands, of years. As far as Council can ascertain, the cattle on West Blackdown common are entitled to be there and the farmer has grazing rights on that common. It is the farmer's responsibility to ensure the cattle are not a threat to the public.

Clearly people have been intimidated and frightened by these cattle. Whilst we have been told that the cattle have attacked people, to date we have no detail of any injuries caused by the cattle.

Thankfully it is unusual for cattle to behave in this manner. Often the presence of a dog is a contributory factor, especially if the cattle have young calves; they are protective and see dogs as a threat. The advice provided by the Countryside Code is particularly relevant and states *"farm animals and horses can behave unpredictably if you get too close, especially if they're with their young - so give them plenty of space"*. If anyone finds themselves near wary cattle, the advice is to move away calmly and do not make any sudden noises.

Council is very concerned to learn of the reported incidents and will continue to monitor the situation. We intend to advise farmers on the law and their responsibilities in advance of the next cattle grazing season that begins next spring.

With regards to the cattle clambering over walls and causing damage to property, it is generally accepted that owners of land adjacent to a common have a customary duty to maintain a fence on the boundary of their land, to prevent stock from straying on and off the common. Such a fence (gate, hedge or wall) should be reasonably secure and able to prevent the passage of animals that could normally be expected to be turned out on the common in question. This duty extends to property located close to a common, even if not directly adjacent. E.g. the owners of houses on a road leading to an unfenced common are

expected to fence their boundary so as to prevent encroachment by stock straying along the road from the common.

Additionally, if an individual owns the common with land adjoining it, there is still a duty to fence for the benefit of other graziers.

On Dartmoor, the Dartmoor Commons Act 1985 clearly states *"For the avoidance of doubt, it is hereby declared that the custom on the commons is for the owner of any land –*

- (a) which is to be treated for the purposes of this paragraph as not being part of the commons; and*
- (b) which adjoins land which is part of the commons, being a part that is subject for the time being to rights of grazing registered under the Act of 1965;*

to fence the land mentioned in paragraph (a) above, against any animals lawfully depastured on that part of the commons mentioned in paragraph (b) above; and for the purposes of paragraph (a) above land is to be treated as not being part of the commons if it is land which has not at any time been registered under the Act of 1965 & is not land comprising a highway.

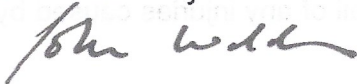
A copy of The Dartmoor Commons Act 1985 & Council's Note on Fencing can be found on our website www.dartmoorcommonerscouncil.org.uk.

Your concerns about the risk of gorse fires will need to be raised with Mary Tavy Commoners Association

<http://marytavyparishcouncil.co.uk/index.php/local-activities/organisations/10-mary-tavy-commoners-association>

It is my understanding that the Association is in an agreement with Natural England and as such a strict management plan must be adhered to. Furthermore, the burning, not only of heather & grass, but also gorse, bracken & bilberry, is controlled by the *Heather & Grass, etc (Burning) Regulations 1986*.

Yours sincerely



Mr John Waldon
Chairman
Dartmoor Commoners Council