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National Transport Casework Team
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Your Ref: SLM/D529A
Our Ref: NATTRAN/SW/CATTLE GRIDS/01
Date: 12 February 2010

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Dear Sir

SECTIONS 82 TO 88 AND SCHEDULE 10 OF THE HIGHWAYS ACT 1980 (“THE ACT”) PROPOSAL TO INSTALL CATTLE-GRIDS IN THE CHAGFORD AREA AT RUNNAGE BRIDGE, LANGAFORD BRIDGE, HIGHER STINIEL AND WEDDICOTT CROSS (“THE CATTLE GRIDS AND BYPASS GATES”)

1. I refer to the Inspector’s report following the public inquiry held at The Club House, Manor Road, Chagford, Devon on 10, 11 and 12 December 2007 before an Inspector Mr A L Roberts CB CBE AFC FRAES into the application made by Devon County Council (“the Council”), under Section 82 – 90 and Schedule 10 to the Highways Act 1980, for the provision of cattle grids and associated by-passes at Runnage Bridge, near Postbridge, and Langaford Bridge, Higher Stiniel and Weddicott Cross, near Chagford. The Inspector’s report was first sent by the Planning Inspectorate to the Council who will be aware of its conclusions and recommendations. The report was subsequently forwarded by the Council to the Secretary of State.

2. The Secretary of State notes that the Inspector reports that there were a number of administrative irregularities in relation to the Inquiry but that he concluded, given that there was the agreement of all parties following a short adjournment to consider the matter, to continue with the Inquiry procedures and that the interests of no party would be prejudiced by allowing the Inquiry to continue. The Council had also requested that the report, as well as meeting the needs of the Secretary of State, should cover all aspects of the case so that the Council could inform its members when they came to determine the matter (IR 1.5 to IR 1.8).

THE INSPECTOR’S REPORT

3. Thirty objections were outstanding at the start of the Inquiry, none of which were subsequently withdrawn. However, three objectors submitted a total of 30 certificates of representation of additional objectors during the Inquiry. 21 objectors appeared, or were represented, at the Inquiry. At the outset of the Inquiry the Inspector was informed that as no objections had been received to the cattle grid at Runnage Bridge that the cattle grid had already been installed and therefore his report was only concerned with cattle grids at Langaford Bridge, Higher Stiniel and Weddicott Cross all of which are in the Chagford Area.

4. The case for the Council is set out at IR 3.1 to IR 3.11. The case for the applicant (the Chagford Commoners’ Association) is set out at IR 4.1 to IR 4.13. The case for supporters are summarised at IR 5.1 to IR 5.7.9 and the case for the objectors is set out at

IR 6.1 to IR 6.15.2. The Inspector's conclusions are set out at IR 7.1 to IR 7.60 with his recommendation at IR 8.1.

OBJECTIONS TO THE PROPOSED CATTLE GRIDS

5. The main grounds of objection are:
- (a) the proposed grids are not needed on road safety grounds;
 - (b) the three grids would not confine livestock to the commons but would concentrate those which strayed on a few narrow local lanes;
 - (c) because the four commons would still be interconnected by roads, the distribution of grazing would not meet the ecological needs of the commons;
 - (d) the safety of road users and animals would be put at risk;
 - (e) equestrian safety would be jeopardised;
 - (f) the visual impact on the setting of a Grade 2 listed bridge would be unacceptable;
 - (g) the reduction in the space available for parking on Stiniel Common would represent a loss in its amenity value;
 - (h) unacceptable noise would be generated by vehicles passing over the cattle grids; and
 - (i) the day-to-day running of one business would be jeopardised.

SUPPORT FOR THE PROPOSALS

6. Support for the proposals came from Natural England, The Dartmoor National Park Authority, The Chagford Parish Council, The Dartmoor Commoners' Council, The National Farmers Union, South West Region, The International League for the Protection of Horses and other Individual Supporters.

THE INSPECTOR'S CONCLUSIONS AND RECOMMENDATIONS

7. A full copy of the Inspector's report can be found at Annex A to this letter.

8. In light of his conclusions the Inspector has recommended at IR 8.1 that the Secretary of State should withhold consent with the report being sent to the Council to inform it in its deliberations.

THE SECRETARY OF STATE'S CONSIDERATIONS

9. In light of the Inspector's report the Secretary of State would wish to seek the following additional information:

whether it is the wish of the Council that consent for the proposals be granted and if so what measures it would take to ensure that an acceptable scheme is implemented. In particular –

- whether or not the proposed cattle-grids have been designed to the appropriate British Standard and been subject to safety audits and that any proposed modifications to Weddicott Cross to ensure the safety of riders and their horses combined with those needed to cater for large vehicles turning at that junction can be made without the compulsory purchase of private land and/or denial of access to the adjacent field;
- for the Council to confirm that all European and national statutes, regulations and policies have been fully considered by them;
- for the Council to provide not only their observations on representations made but their own proposals as required by sub-paragraph 3(2) of Schedule 10 to the Highways Act 1980;

10. I would ask that the advice submitted to the Secretary of State about how it is to proceed should be copied to the other parties, together with a copy of the Inspector's report, so that they may be aware of the Council's intentions. In notifying the parties they should be afforded the opportunity, if they so wish, to submit comments within 21 days of receipt of the Council's intentions

Yours faithfully

RAY OLDFIELD

Authorised by the Secretary of State for Transport
to sign in that behalf