



# Report to the Secretary of State for Transport

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An Inspector appointed by the Secretary of State for Transport

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## HIGHWAYS ACT 1980

### DEVON COUNTY COUNCIL

#### PROPOSAL TO INSTALL CATTLE-GRIDS IN THE CHAGFORD AREA AT RUNNAGE BRIDGE, LANGAFORD BRIDGE, HIGHER STINIEL AND WEDDICOTT CROSS

Dates of Inquiry: 10 to 12 December 2007

Reference: DPI/25/4/12

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## CASE DETAILS

- The Devon County Council, in its capacity as the relevant highway authority, has applied to the Secretary of State for Transport for permission to install cattle-grids and associated bypasses at Runnage Bridge, near Postbridge, and Langaford Bridge, Higher Stiniel and Weddicott Cross, near Chagford.
- The application has been submitted to the Secretary of State under Sections 82-90 and Schedule 10 to the Highways Act 1980.
- The Secretary of State's consent would allow the Authority to install the four cattle-grids, together with associated bypasses on common land adjacent to them, on unclassified public roads.

**Summary of Recommendation: I recommend that consent be withheld.**

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### 1. PREAMBLE

- 1.1 On 10, 11 and 12 December 2007, I held a public local inquiry at The Club House, Manor Road, Chagford, Devon, for the purpose of hearing objections and representations into the application for cattle-grids to be installed on unclassified roads at Runnage Bridge, Langaford Bridge, Higher Stiniel and Weddicott Cross. However, at the outset of the inquiry, I was informed that, no objections having been received, the cattle-grid at Runnage Bridge had already been installed. This report therefore concerns only the other three proposed grids, all of which are in the Chagford area.
  - 1.2 In addition to an unaccompanied visit before the inquiry opened, I carried out an inspection of the three sites, the Chagford commons and the surrounding road system on the last day of the inquiry, accompanied by representatives of the highway authority, the applicant, supporters and objectors.
  - 1.3 30 objections were outstanding at the start of the inquiry, none of which was subsequently withdrawn.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.
  - 1.4 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.
    - i. The day-to-day running of one business would be jeopardised.
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- 1.5 The Secretary of State should be aware that the notice of the inquiry, as published, refers to the wrong Secretary of State and suggests that it would be the Inspector who would determine the case. During the week immediately before the inquiry opened, the advocate for a number of the objectors (Mr Oliver) suggested that, in view of these shortcomings and certain other administrative irregularities, it would be legally unsafe to allow the inquiry to continue and requested that it be cancelled. However, because notice of the inquiry had been published and it was too late to inform all the parties of any cancellation before the inquiry was due to open, I concluded that I had no option but to open it as planned.
- 1.6 Having outlined possible options for the way ahead in my opening remarks, including that of closing the inquiry immediately and offering to continue with an informal pre-inquiry meeting if that would help, the parties (including Mr Oliver) asked, after being allowed a short adjournment to consider the matter, that I should not close but continue with the inquiry. This view was unanimous and expressed in strong terms.
- 1.7 There are no statutory requirements dealing with notices of cattle-grid inquiries in Schedule 10 to the Highways Act 1980. However, the full requirements set out in paragraph 1(2) of Schedule 10 had been correctly followed in publicising the proposals during the consultation process. The statutory power to decide whether, should the Secretary of State give her consent, the cattle-grids should actually be installed will still lie with the Devon County Council as highway authority. Representatives of the County Council were present throughout the inquiry and my report could be made available to inform the Council in making its determination.
- 1.8 I therefore concluded that, even taking account of the administrative irregularities, the interests of no party would be prejudiced by allowing the inquiry to continue. Indeed, because of the time and expense already incurred by the parties in preparing for the inquiry, they indicated that they would feel a very real sense of grievance and injustice should I not allow it to continue. I therefore decided that, in the public interest, the inquiry should continue. This was welcomed by the County Council, who asked that, as well as meeting the needs of the Secretary of State, my report should cover all aspects of the case so that it would inform its members when they came to determine the matter.
- 1.9 The County Council confirmed at the inquiry that, insofar as they existed, it had complied with all the required statutory formalities.
- 1.10 This report contains a brief description of the sites of the proposed cattle-grids and their surroundings, the gist of the cases presented and my conclusions and recommendation. Lists of inquiry appearances, documents and proofs of evidence are attached.

## **2. DESCRIPTION OF THE SITES AND THEIR SURROUNDINGS**

- 2.1 Chagford lies in hilly country some 25 km to the west-south-west of Exeter, within the Dartmoor National Park. As can be seen at Inquiry Document (ID) 1.6, the proposed cattle-grids would be installed on three roads about 2 km to the south of Chagford. Apart from the B3206, which enters Chagford from the
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north-east, all the roads in the immediate area (including those connecting the commons) are very narrow, the majority being edged with high banks and much of their lengths being single-track. They can best be described as 'lanes'.

- 2.2 The streets in Chagford are quite narrow; with on-street parking, they are effectively single-lane at some points. During my visit it was obvious that large vehicles find it particularly difficult to drive through the village, sometimes causing disruption and congestion when they do so.

### ***The Four Commons***

- 2.3 The largest and highest of the four inner Chagford commons is Meldon Common (Padley Common effectively being part of Meldon Common). Bracken covers much of this common but there is a certain amount of scrub on the lower slopes and a small stream near the north-eastern end. Nettadon Common is covered with grass and bracken in approximately equal proportions, while Week Down (the smallest of the commons) is entirely covered with bracken, except where tracks cross it. Stiniel Common (marginally larger than Week Down) has limited areas of grass, mainly on the high ground running along the north-eastern boundary from the location of the proposed grid, but is predominantly covered with bracken and scrub, the latter consisting of gorse and small trees.

### ***Weddicott Cross***

- 2.4 Weddicott Cross is a triangular junction where four narrow lanes, bordered with high stone banks, meet. A field gate is located on the eastern side of the junction and a solitary house lies 100 metres or so further to the east.
- 2.5 The proposed cattle-grid would be located at the end of the lane approaching from the south. A small green lies on the south-west side of the main cross-roads, along the south-western side of which an arm of the triangle runs. Because of the high banks, one is faced by blind junctions when approaching the cross-roads from any direction.
- 2.6 It is obvious, when viewing the site, that vehicles travelling from the south to the west or vice versa are faced with a very acute turn if unable to use the south-western side of the triangle and have to turn at the north corner of the green.

### ***Higher Stiniel***

- 2.7 The proposed grid at Higher Stiniel would be located on high ground near the north-eastern corner of Stiniel Common. Currently, there is room for a few cars to park on the common on either side of the road.

### ***Langaford Bridge***

- 2.8 The River Bovey runs along the southern boundary of Stiniel Common. Langaford Bridge, which crosses this river, lies at the south-western corner of the common. The proposed grid would lie on a bend in the road some 45 metres to the north of the bridge, to which it would be connected by a fence on the eastern side of the road. There is room for a few cars to park on the common on the eastern side of the bend between the road and a bank.

### 3. THE CASE FOR THE DEVON COUNTY COUNCIL

The material points are:

- 3.1 The Devon County Council's submission to the Secretary of State can be found at ID 1.1.
- 3.2 In 1992, the Chagford Town Council and Commoners proposed that eight cattle-grids be installed locally to prevent animals wandering from the nearby commons into Chagford and onto nearby A and B-class roads. The position of the grids, as then suggested, can be seen at ID 1.4. However, for financial reasons, only three could be supported by the County Council and the Dartmoor National Park Authority (DNPA). The location of these three grids can be seen at ID 1.5.
- 3.3 Since then, a number of animals have been killed on the B3212 (the Mortonhampstead to Princetown road), which has led to requests for further grids to be installed. However, as police logs show [ID 1.9], the number of animals injured on the B3212 between Mortonhampstead and Moorgate has been low and it is not certain that the animals involved came from the Chagford Commons. As no human personal injuries have been recorded in recent years, the County Council has felt that there is insufficient justification, on highway grounds, for the installation of such grids to be funded by the Council. Indeed, although the objectors suggest that the introduction of the 40 mph speed limit east of the Moorgate cattle-grid to Mortonhampstead might improve safety on the B3212, the authority feels that the limited number of animals that would be seen by drivers is such that these signs would be brought into disrepute and is reluctant to introduce such a measure.
- 3.4 However, in 2004, the commoners informed the DNPA and the County Council that they had been granted DEFRA grants, which they wished to be used to install additional cattle-grids to complement those installed in 1992. As the commoners' proposal appeared to be supported by the Chagford Town Council and adjoining parish councils, the County Council and the DNPA agreed to facilitate the project in the interest of further limiting the likelihood of animals reaching the B3212. As there appeared to be some potential benefit to highway users, the County Council agreed to fund the initial design and accept responsibility for maintenance once the grids were installed, although the commoners would still have to pay for the installation.
- 3.5 In consultation with the commoners, the County Council then selected and advertised the proposed locations, which have been designed to avoid animals being channelled into cul-de-sacs that might cause animals to panic and also take into account the effect on Langaford Bridge (a Grade II listed building) and the nearby parking. No compulsory purchase would be involved. The location and geometry of the proposed three grids can be seen in the drawings at IDs 1.14, 1.15 and 1.16.
- 3.6 Although the commoners would have liked to have had five cattle-grids and a fence installed, so as to ensure that animals were completely confined to the area of the commons [ID 2.1], the funds available were sufficient for only three grids. It would therefore remain the case that cattle would not be confined to the commons. Indeed, there would still be no physical

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impediment to a cow walking up the A382 to the A30, joining the M5/M4 and grazing in Trafalgar Square!

- 3.7 The proposed scheme was duly advertised in the local press and notices were placed in the Chagford Library and at each of the sites, in response to which 17 objections were received. Following a meeting with interested parties in February 2006, the County Council sent notes of the meeting to the objectors, asking whether they now wished to withdraw their objections. Only one did. The County Council therefore informed the commoners that further progress would be dependent on a public inquiry, which, in addition to the installation of the grids, they would have to fund themselves. Each grid would cost some £10-11,000 to install.
- 3.8 In submitting evidence to the inquiry, the County Council has been acting only in its capacity as highway authority, its primary concern being highway safety. Non-highway matters, such as biodiversity, have not been considered.
- 3.9 Primarily for financial reasons, the County Council has decided to take a neutral stance in the matter. However, this could change if a significant trend in personal injury collisions on the B3212 were to emerge – say, 4 personal injury accidents on the 5 km of road between Mortonhampstead and Moorgate in 3 years – far above the present accident rate. In this case, the County Council might even find itself in the position of implementing and funding the scheme itself. However, even if some other body or bodies could fund the scheme, the County Council would still need to be satisfied that the benefits would outweigh the disbenefits before it implemented the scheme.
- 3.10 Should the eventual outcome be that the County Council is allowed to decide that it would be expedient to install the cattle-grids and does so, it will endeavour to incorporate modifications at Weddicott Cross to enable large vehicles to turn the corner (for example, by removing part of the northern corner of the green). It would also seek to make minor adjustments to the site to minimise the risks for horse riders, possibly by positioning the gate further to the north and making the gate open in the other direction.
- 3.11 In the meantime, the County Council welcomes the inquiry in the hope that the report will inform its members on the issues needing to be considered when they come to make their determination.

#### **4. THE CASE FOR THE APPLICANT (THE CHAGFORD COMMONERS' ASSOCIATION)**

The material points are:

##### **Background**

- 4.1 The cattle-grid scheme, involving a total of eight grids, originated some twenty years ago in direct response to a series of incidents, when ponies kept straying into Chagford School, the churchyard and various private properties. The first three grids (Phase 1) were installed by the DNPA in 1994 at a cost of £12,500, contributions being 40% each by the DNPA and the County Council and 10% each by the Chagford Parish Council and the Chagford Commoners' Association.



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- 4.2 In 1995, the DNPA confirmed that a second phase would be completed as funds became available.
- 4.3 Since completion of Phase 1, livestock no longer drift towards Chagford as they traditionally did but now tend to move south to the parishes of Moretonhampstead, North Bovey and Manaton along seven single-track roads towards the B3212 and the A382.
- 4.4 As records kept by the International League for the Protection of Horses as well as local huntsmen confirm, there has been a significant increase in the number of traffic accidents involving livestock hefted to Chagford Common.
- 4.5 In 2000, the Commoners' Association entered into a DEFRA 10-year Environmentally Sensitive Area (ESA) scheme. As a result, funding became available for husbandry of the Common. Under this, the commoners had to agree to reduce the stocking rates, remove stock completely at certain times of the year, improve public access and nurture the environment. In order to avoid both risks to animals on the busy roads leading to the B3212 and A382 and damage to hedges and banks, stock have to be contained on the Common as far as possible (unlike all other commons on Dartmoor, the Chagford commons are not enclosed).
- 4.6 Phase 2 was then considered at a meeting in April 2003, attended by:
- Devon County Council
  - DNPA
  - RSPCA
  - DEFRA
  - Devon and Cornwall Police
  - International League for the Protection of Horses
  - Chagford Commoners' Council
- 4.7 Following this, the DNPA confirmed in a letter that both the DNPA and the County Council supported the installation of three more grids, with the latter paying for the siting and design of the grids, at a cost of £9,600. It was only after objections were received that the County Council adopted a neutral stance (in spite of unanimous support by the local parish councils), requiring the Chagford Commoners to pay for the inquiry.

## **Need**

- 4.8 The three grids are required to stop animals from the Commons straying onto public roads, particularly the A382 and the B3212. Most of those reaching the B3212 are ponies, no doubt attracted by the verges being much more lush than are the commons. Stallions may also be attracted to the Dartmoor Pony Centre on that road. Under the ESA agreement, the commoners are paid £400 annually to shepherd the animals. The commoners do their best to do so, including trying to help each other, but this is not easy and the police have sometimes threatened prosecution because of straying animals.
- 4.9 Contrary to the assertions of some, but not all, objectors, there is plenty of water at the bottom of Padley Common (which is contiguous with Meldon Common).

- 4.10 Stocking levels once the ESA agreement runs out may be subject to a Higher Level Stewardship agreement but, in their own interest, the commoners will ensure that no damage is done to the commons by over or under-stocking.
- 4.11 The correct level of grazing would also bring with it considerable environmental benefits.

### **Location**

- 4.12 Ideally, all grids would be located on the edges of the commons. The locations actually chosen have been dictated by cost.

### **Cost and Source of Funding**

- 4.13 The expense would be fully justified. While it is not known how the £10,000 deficit would be funded, such problems have been overcome in the past.

## **5. THE CASE FOR THE SUPPORTERS**

The material points are:

### **5.1 Natural England**

- 5.1.1 As a successor, inter alia, to the former Rural Development Service, Natural England manages the Dartmoor ESA Scheme, under which members are offered payments to carry out agricultural practices that conserve or improve the landscape, wildlife habitats and historic features.
- 5.1.2 The Chagford Commoners' Association entered the commons into an ESA agreement in 2000, under which management prescriptions include a stocking limit of 24 livestock units(LUs) and an agreed habitat management plan [see ID 8.1]. This agreement is legally binding. Any renewal would require the agreement of both sides.
- 5.1.3 Following the signing of the Convention on Biological Diversity at Rio de Janeiro in 1992, the UK is committed to drawing up Biodiversity Action Plans (BAPs) for a range of specifically chosen habitats and species, the delivery of which is Natural England's responsibility. Two priority BAP habitats (upland heathland and purple moor grass moor & rush pasture) are included in the Dartmoor BAP. In the past, these habitats were under threat from changes in agriculture, leading to overgrazing and overburning of upland heathland and, in the case of purple moor grass & rush pasture, drainage and/or abandonment. Both the BAP and the ESA agreement aim to reverse or halt any loss or degradation of habitat quality.
- 5.1.4 The inner Chagford commons comprise four sites:
- Meldon and Padley Commons(100 ha – effectively one common)
  - Nattadon Common (16 ha)
  - Stiniel Common (7 ha)
  - Week Down (5 ha)
- Three of these sites are of particular concern to Natural England:
- a. Meldon Common is a mix of upland heath and, on the south facing slope, bracken. Controlled grazing (ideally with a mix of cattle, ponies and sheep, to maintain the delicate balance of plant communities) is required

- to restore this heathland. Without this, the area would eventually succeed to woodland.
- b. The main feature of Padley Common is purple moor grass & rush pasture, with key associated plant species such as wavy St Johns wort, various orchids and Devils bit scabious. The increase of scrub cover (gorse and willow), which is increasingly dominating the purple moor grass, is of concern to Natural England because of its impact on the rapidly declining UK BAP butterfly, the marsh fritillary – a threatened European species listed in Annex II of the EC Habitats Directive.
  - c. Stiniel Common, which is designated moorland and part of the Two Moors Threatened Butterfly Project, has already begun to succeed to woodland. Again, grazing is required to support the marsh fritillary.
- 5.1.5 Although stocking is limited to 24 LU (including ponies), it is not possible to say how many actually graze the Common or how animals are distributed between the sites, because of the fragmentation and connectivity of the sites and the transient nature of the livestock, but Meldon and Padley Commons have most of the stock.
- 5.1.6 The agricultural value of the grazing has declined in places, which has further increased the tendency of stock to wander in search of better value grazing. Putting more animals on the commons to maintain grazing levels would not, therefore, be sensible as this would result in either overgrazing in some areas or more animals on the surrounding roads, or both. Improvements in grazing quality are being made through the burning programme but burning cannot replace grazing as it removes all types of plant. Over-burning causes serious damage to some species (eg, heather). Shepherding of stock is required but Natural England recognises that, being labour intensive, this is not always possible. Feeding stock on the commons, which historically kept the animals in one place, is not permitted under the ESA Scheme or under Cross-Compliance Regulations.
- 5.1.7 Thus, the straying of animals along the roads dilutes grazing in some areas and increases it elsewhere.
- 5.1.8 Without grazing at suitable levels, there will be a decline in the quality of the natural resource found on these pieces of common land. Not only would this have a huge impact on the ecological balance on the moor but also on the landscape value and our cultural history.
- 5.1.9 The proposed locations of the new grids are a compromise between the earlier wishes of the former RDS, the DNPA and the commoners on the one hand (these would have put all the grids on the edges of the commons), and the Highways Agency on the other (ID 8.5 includes notes taken at the May 2002 meeting). For example, the location of the Higher Stiniel grid was driven primarily by the need to stop animals going down the very narrow lane to Stiniel. However, all parties at the meeting recognised that, as a result of the Langaford Bridge and Higher Stiniel grids, more animals would tend to be found on the roads north of Stiniel Common.
- 5.1.10 At the time the Chagford Commoners' Association submitted the application, the RDS was able to offer a grant, under the Conservation Plan element of the EAS Scheme, of 60% of an agreed cost of the three grids. This would

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now come from Natural England. However, although the 60% (£14,000) has been discussed, Natural England cannot be committed to a specific amount until the Dartmoor County Council has made its final decision.

- 5.1.11 With regard to the suggestion that Stiniel Common could be allowed to revert to woodland and thus be subject to an ESA grant as woodland, this would not be possible because it is common land greater than 1 ha in area. The ESA agreement does not allow common land to be entered into any Woodland Tier [ID 8.1]. This is because this tier prohibits grazing and it would require fencing to exclude stock.

## 5.2 The Dartmoor National Park Authority

- 5.2.1 Under a joint DNPA/County Council traffic management strategy, published in 1994, it was agreed that all works to pursue the strategy must be carried out in ways that are environmentally acceptable. It also contained a strategic policy "to seek to minimise animal accidents by all acceptable means". Amongst the proposals to implement this policy was the installation of cattle-grids as resources allowed and in accordance with a recently determined priority list. Priority was given to the three grids, subsequently installed under Phase 1 of the Chagford scheme, but it was agreed that consideration of the remaining grids should await an assessment of the effect of the Phase 1 grids after they had been installed.
- 5.2.2 The Phase 1 grids have effectively solved the problems of animals straying into Chagford but the DNPA has continued to receive reports of animals straying onto and beyond the B3212, and some reports of animal fatalities.
- 5.2.3 In discussions between the DNPA, the County Council, DEFRA and the Chagford Commoners about the Dartmoor ESA scheme, some ten years later, the earlier proposals were re-evaluated. Agreement was reached that animals could be prevented from reaching the B3212 by the installation of three grids, disturbance to local residents at Stiniel being reduced by replacing the originally proposed Stiniel grid with grids at Weddicott Cross and Langafor Bridge.
- 5.2.4 The DNPA has considered the proposals from the viewpoint of enjoyment of Dartmoor by the public, the impact on biodiversity of grazing and the impact on heritage and Listed Buildings (eg, Langafor Bridge). Grazing would help the local ecology (eg, the pearl-brown fritillary butterfly). Although there would be some impact on the amenity represented by Langafor Bridge and its surrounds, this would not be great.
- 5.2.5 It has therefore concluded that the proposals would be acceptable in the local environment, could be provided at reasonable cost and would contribute to improving local road safety. They would thus be cost-effective and appropriate. While most of the funding for the grids would be provided by the Commoners' Association, the DNPA has resolved to contribute £3,000 towards the cost. As the works would be classed as 'permitted Development', there would be no need for planning permission.
- 5.2.6 The numbers of stock currently grazing the Commons are low. In environmental terms, there would be merit in some additional controlled grazing. However, increasing stock levels would increase the potential for road accidents involving animals on the B3212.
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5.2.7 The DNPA's position is 'less neutral' than is the County Council. Nevertheless, the DNPA welcomes the inquiry and has agreed to provide £500 to assist with inquiry costs.

### 5.3 The Chagford Parish Council

5.3.1 The Chagford Parish Council supports the principle of cattle-grids to restrain animals to their allotted grazing areas and is pleased with the success of Phase 1 in preventing animals from entering the town centre.

5.3.2 It has therefore resolved to confirm its support for the current proposal, on grounds of animal welfare, traffic safety and the effectiveness of Phase 1 of the scheme and has solicited the support of the North Bovey and Mortonhampstead Parish Councils. However, it recognises that it does not have the expertise to comment on the specifics of location and detailed design and that the precise locations might be adjusted.

5.3.3 Although the Council is firmly in support of the proposal (its resolution was passed by 8 votes, with 2 abstentions), it acknowledges that the community is split on the issue and therefore welcomes the public inquiry.

### 5.4 The Dartmoor Commoners' Council

5.4.1 The Dartmoor Commoners' Council was created by Act of Parliament in 1985 (the same Act gave the public a right of access to all the commons). It is made up of five elected commoners from each of the five 'quarters' of Dartmoor, two representatives of the owners of common land, two from the DNPA and one from the Duchy of Cornwall. Its primary duty is to "*take such steps as it appears to be necessary and reasonably practical for the maintenance of the commons and the promotion of proper standards of livestock husbandry thereon...*". In carrying out those duties, it must have due regard for the natural beauty of the commons and their enjoyment by the public.

5.4.2 The Council may delegate its functions (except financial and regulatory ones) to local associations of commoners, of which the Chagford Commoners' Association is one. The funds delegated to it for agri-environment schemes are held by the Chagford ESA Trust. The cost of the cattle-grids (and of the inquiry) are being met from these funds.

5.4.3 The current proposal was originally part of a comprehensive attempt to protect both Chagford and the B3212 from straying stock. That protection was originally achieved by gates at the boundaries of the different parcels of common land. At many sites within the Dartmoor National Park, such gates have been replaced by cattle-grids, with priority being given to those on the more significant roads leaving common land.

5.4.4 The Commoners' Council wishes to see the Chagford commons in the best achievable condition as places integral to the economies of the active commoners by providing grazing, and as places contributing to the enjoyment of local and distant visitors to them. That condition can only be sustained by grazing and disciplined burning of surplus vegetation. The current state of the commons needs more grazing. It would be better achieved if confinement of the stock as closely as is practicable to the commons is enabled. North Bovey Common is an example of one that has effectively disappeared through encroachment.

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- 5.4.5 To get the best mosaic of habitats, the ideal is to have a mixture of cattle, ponies and sheep. As hefting (training animals to stay in one location) is not now practicable and, in any case does not work with ponies, cattle-grids are required. Even if all the commons had a water supply, ponies would still stray off the commons.
- 5.4.6 There is a need to protect those driving on the B3212 between Mortonhampstead and Moorgate from straying stock and vice-versa. In the 1970s, the 2-way traffic flow on a summer Sunday was some 5,000 vehicles per day. Although flows are lower now, for a variety of reasons, speeds are higher. While the current level of injuries and fatalities may be insufficient to persuade the Highway Authority to propose these grids itself, it would be unforgivable to wait for accidents to reach such a high level before acting when the resources are being made available to them now.
- 5.4.7 The lack of the grids is a double-edged sword: the risk to animals and humans on the one hand, and the risk that stock may not be turned out onto the commons on the other. With no grazing, no burning would take place and the commons would steadily become less accessible, eventually becoming impenetrable to the extent that their status could be challenged by the landowner, as has happened elsewhere on Dartmoor (eg, Swine Down, which is now fenced off).
- 5.4.8 The Chagford commoners are hill farmers. As is being acknowledged in emergency meetings between government representatives, agencies, and various bodies like the NFU, RSPB, the CLA and the Commoners' Council, hill farmers are currently struggling to survive economically. Without their work, the very substantial public investment over the past two decades would be lost. Whether the objectors to this proposal like it or not, there is no alternative form of management and maintenance for the natural beauty of the uplands, as creeping scrub and the encroachment of vegetation on bridleways elsewhere in the area vividly demonstrate.
- 5.4.9 The significance of the proposed grids thus has implications extending well beyond the local area. The Dartmoor Commoners' Council therefore wishes these grids emplaced as soon as possible.
- 5.4.10 As far as the proposed locations are concerned, the Langaforde cattle-grid could not be put on the other side of the bridge as it would be under trees and always filling up with leaves. However, the objectors are overstating the amount of parking available at Langaforde Bridge. Nevertheless, the DNPA could provide compensating parking if necessary.
- 5.4.11 There are no regulations governing the availability of water on commons – only food. Feeding is not allowed under the ESA agreement. Whether or not it might be appropriate on Chagford Common would be a matter for debate (licks are placed elsewhere on Dartmoor).
- 5.4.12 The remaining grids would be required to complete the scheme. These cannot yet be afforded. In the meantime, the proposed grids do form a useful purpose by blocking off routes to the south.

## 5.5 The National Farmers Union, South West Region

- 5.5.1 The NFU helped negotiate the ESA agreement in 2000. This was not an easy agreement to negotiate because it involved the removal of a substantial

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number of livestock. However, because the commoners were anxious to improve the amenity and appearance of the commons they accepted very low payments for stock removal and still put aside £5,000 a year for shepherding.

- 5.5.2 One should aim to see one's stock once per day but this is not always easy, even with mutual help between commoners. Payments under the ESA could be suspended if the ESA officer regarded supervision as inadequate having served the appropriate notice.
- 5.5.3 Stocking rates on the Chagford Commons have been set too low, especially for the summer months – hence the under-grazing that has led to encroachment by gorse, bracken and scrub. An adequate level of pony grazing is particularly important, as ponies are the most effective at keeping gorse under control. However, although there may be enough ponies, they are more difficult to control than cattle or sheep. The Chagford ponies tend to wander away from the commons, all too often along the verges of the B3212. Installation of the proposed three grids would address this problem, which is undermining the success of the ESA agreement.
- 5.5.4 Thus, failure to approve the proposal would be a lost opportunity to improve the management of the commons and the safety of motorists. Without the proposed grids, the amenity, accessibility and biodiversity of the commons will continue to suffer.
- 5.5.5 When the ESA agreement ends, there can be no guarantee of it being renewed. However, the EU is becoming more willing to fund amenity and environmental work and it is highly likely that payments could be made to support biodiversity through, say, a Higher Level Environmental Stewardship agreement.

## 5.6 The International League for the Protection of Horses

- 5.6.1 From the viewpoint of vets, the B3212 is a nightmare. Some of the best grazing is at the side of that road but there are no escape routes and ponies tend to mill about on the road. Although it is protected from the west by the Moorgate grid (on the eastern edge of the main moor), there are frequent call-outs to deal with incidents between there and Stiniel Cross, of which the police are not necessarily informed. Mr Herrington himself has been called out for nine incidents on the B3212 over the past three years, involving not only injuries and near misses but also one death. The majority of cases have involved ponies from Chagford Common.
- 5.6.2 The 40 mph speed limit has not worked elsewhere on Dartmoor and would not be effective on the B3212. Drivers do not expect to find animals on the road east of Moorgate.
- 5.6.3 Ponies are particularly feral. Grids are the only practicable way of keeping them away from the B3212, as has been demonstrated elsewhere.

## 5.7 Individual Supporters

- 5.7.1 The problem of cattle and ponies straying onto the B3212 is a worry and concern to those whose land borders the road. Traffic often travels at more than 70 mph and shepherding animals off the road can be dangerous.

- 5.7.2 When animals are found on the road, the police let them into the adjacent fields. The owners of the animals have to be notified but there can then be a 6-day standstill for holding before any animal can be moved. Foot and mouth disease can further complicate matters.
- 5.7.3 Hefting would not be practicable and the proposed grids are required to overcome the problem.

### ***Legal Obligations on the Devon County Council***

- 5.7.4 As the County Council has conceded, its neutral stance has been adopted only on the basis of its assessment of the highways issues arising from the proposal, no account being taken of other matters such as biodiversity. While this may be appropriate for the purposes of this inquiry, such matters must be taken into account before a final decision is made.
- 5.7.5 In addition to the BAP species and habitats identified by Natural England (marsh fritillary and pearl-bordered fritillary butterflies, purple moor grass & rush pasture and upland heathland), grazing might also be useful to the skylark and reed bunting – BAP species also found on the commons.
- 5.7.6 Under section 40(1) of the natural Environment and Rural Communities Act, the County Council *must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*. Biodiversity includes (sub-section (3)) *restoring or enhancing a population or habitat*. Thus, the decision maker is bound to have regard to the two species of butterfly and the two kinds of habitat identified by Natural England and to any other BAP species found on the commons that would be better managed by installation of the proposed cattle-grids. This applies especially to the marsh fritillary butterfly, which is listed in Annex II of the EU Habitats Directive (EEC Directive 92/43) as a protected species and thus also comes under the Conservation (Natural Habitats &c.) Regulations 1994 (as amended).
- 5.7.7 The importance of factoring the need to maintain and enhance, restore or add to biodiversity into decision making is further reinforced in PPS 9 (paragraph 11 of which specifically brings in the concept of BAPs), DEFRA Circular 01/2005 and ODPM Circular 06/2005.
- 5.7.8 As a matter of law and government policy, the conservation, restoration and enhancement of the BAP species and habitats found on the Chagford Commons must therefore be taken into account by the County Council in determining the matter.
- 5.7.9 Under section 38 of the Commons Act 2006 and the Law of Property Act 1925, the erection of fencing to restrain animals would require a public inquiry. Section 39 specifically requires that the wider public interest, including that of nature conservation, be taken into account.



## 6. THE CASE FOR THE OBJECTORS

The material points are:

### Specific Objection by Mr David Rogers

- 6.1 The only route for large lorries bringing hay, straw, fertilizer, compost and pots to Mr Rogers' farm while avoiding the very narrow and congested streets of Chagford would be via Weddicott Cross. However, the cattle-grid at that location, as proposed in its present form, would prevent access to his property via that location. In restricting access in this way, the proposal would jeopardise the day-to-day running of his business.

### General Objections

#### 6.2 The Open Spaces Society

- 6.2.1 The Chagford Commons are open spaces, of historic and cultural value, much loved and enjoyed by the people of Chagford and by many visitors to the area. The effect of placing cattle-grids at the proposed locations would be to enclose the commons completely. This would lead to a change in their character – and not for the better.
- 6.2.2 Enclosure of the land would be likely to result in a distortion of the grazing here. The effect would probably be that parts of the commons would become overgrazed and poached, while other areas became scrubbed over, which could be to the detriment of the wildlife habitats and public access.
- 6.2.3 The enclosure would encourage ranch-style use of the commons, as farmyard extensions for just a few farmers, instead of being used in the traditional manner, as commons should be, to provide summer grazing away from the holding. There is also a risk that stallions might be turned onto the commons, which could present a risk to walkers (especially dog walkers) and riders.
- 6.2.4 The cattle-grid and associated fencing at Langaford Bridge would be an unsightly blot at a much-loved beauty spot, and would destroy the natural beauty of the area.
- 6.2.5 The noise of cars passing over the cattle-grids would be a jarring, metallic-sounding disturbance in this lovely tranquil area.
- 6.2.6 In September 2005, Natural England, the National Trust and the Open Spaces Society produced a document entitled *A Common Purpose*. This has been endorsed by DEFRA. In line with its recommendations, all the parties with an interest in the commons should devise a long-term solution to their management, which is not dependent on fickle ESA funding.
- 6.2.7 The Open Spaces Society recommends that consideration be given to reverting to the tried and tested practices of burning the gorse, mowing the bracken and using it (or selling it) for compost, and stocking the commons at the right level to maintain the vegetation at its optimum for the stock, the wildlife, the protection of any archaeological or historic features and public access. The stock should be properly managed by its owners. This would ensure a sustainable future for these valued commons, which the proposed cattle-grids would not.
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### 6.3 ***The Langaford Farm Charitable Trust***

- 6.3.1 Langaford farm has been under an ESA agreement for many years and has just entered into a Higher Level Stewardship agreement. The major objective of the farm is the ecological enhancement of its land, which is a stronghold for the threatened marsh fritillary butterfly.
- 6.3.2 The farm also has rights on six commons in the area but, like 10 other members of the Commoners' Association, was not consulted on the proposals. Perhaps too much weight has been given to the short-term interest of some graziers, whilst those of other commoners have been sidelined.
- 6.3.3 At £20,000, the cost of the two grids proposed at Higher Stiniel and Langaford Bridge would be an absurd public expenditure in relation to the one livestock grazing unit allowed on Stiniel Common's 7 hectares under the ESA agreement. Such public expenditure would be quite disproportionate to the benefit.
- 6.3.4 Very little certainty can be attached to judgements about the effects of husbandry on the commons. On the other hand, public enjoyment of the environmental and ecological assets represented by the commons, the listed bridge and the ancient clapper bridges are matters of great importance and long-term public benefit. Other methods should be explored and trialled before advocating the installation of these very permanent works. It would be impossible to make good the ground should the grids become obsolete in future years.
- 6.3.5 The grid at the top of Stiniel Common would involve much clutter, including three gates (which might sometimes be left open). Parking in this popular spot would be lost.
- 6.3.6 Stiniel Common is already so far advanced into natural regeneration with native species that there is a good case for letting it revert to woodland – perhaps on more sustainable and long-term grounds, possibly outside any grant scheme.
- 6.3.7 The Trust recommends letting the animals range freely to the river to drink, as they have always done. On balance, it feels that a grid and fencing at Langaford Bridge is unnecessary as animals infrequently wander up the lane towards the farm and the B3212 beyond (the lane's high, stone-faced banks provide no grazing) so that the trust has never felt it necessary to put a grid across the entrance to the farm.
- 6.3.8 In short, this area, which is developing into a wonderful wildlife corridor along the River Bovey, is working extremely well as it is.

### 6.4 **Proper Job Limited**

- 6.4.1 The dissemination of information and public consultation about the proposal has been inadequate.
- 6.4.2 The proposal would reduce the off-road space for car parking on Stiniel Down and near Langaford Bridge. This would result in visitors having to park on the narrow road and picnic groups, families with young children and the elderly having to walk long distances. It would discourage people from visiting these
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areas and have a significant impact on their ability to access these areas for recreation and enjoyment.

## **Individual Objectors**

### **6.5 *Need for the Proposed Cattle-Grids***

- 6.5.1 As is clear from the County Council's evidence, no significant advantage would be gained from installing the grids from the viewpoint of highway safety.
- 6.5.2 The origin of animals found on the B3212 is not known. Ponies can come from other farms via Lettaford Down because of gates being left open. There is no evidence that animals found on the B3212 come from the Chagford commons. Were this to be the case, cattle-grids could be one way of achieving this satisfactorily; however, they would need to be located in such a position as to prevent the stock leaving the commons. As proposed, the grids would merely contain them in a smaller area around the commons that includes public roads.
- 6.5.3 As it stands, the ESA agreement, in promoting heather moorland, scrub, gorse, wet bog and re-forestation, is favouring conservation and amenity at the expense of agriculture. Cattle, sheep and ponies seem to be treated merely as a management tool, only lip service being paid to grazing per se. Stocking levels have been set too low. But for the rural payments, grazing would bring little agricultural benefit.
- 6.5.4 As result of the enforcement of severe destocking and cessation of out-wintering of stock, dwarf gorse has largely taken over parts of the Chagford commons. Flocks of golden plover are no longer seen and the tormentil flower has been swamped. The livestock therefore leave the gorse and bracken in favour of areas that are overgrazed but manured. Access by humans and livestock through the gorse is limited to paths made by sheep. Proliferation of gorse has resulted in a proliferation of ticks, bringing with them lymes disease and louping ill which pose a major threat to Dartmoor livestock.
- 6.5.5 The commons need sufficient livestock but suitable conditions must be provided to attract them to, and keep them on, the commons. However, there is nothing that can be achieved by expensive and intrusive grids that cannot be achieved equally well by the correct management and overseeing of stock, by burning or mowing, and by pulling and treading on steep slopes by volunteers. Bracken could be cut and rolled up, as was done in the past. Management might also include the covering of pony mares 'in-bye' in order to keep stallions, which tend to wander and take their mares with them, away from the B3212. The commoners should shepherd their animals or pay someone else to do so; this could be combined with feeding and watering. Indeed, the placement of water and feed on the commons would remove the need for cattle-grids at all.
- 6.5.6 Experience to date suggests that the containment of stock on the commons would not, by itself, change the nature of the vegetation or promote biodiversity. As has been shown in Penwith, livestock cannot cope with mature gorse, bracken and scrub in fulfilling their role as conservation grazers; indeed, even sheep cannot graze topiary gorse. By contrast, the burning undertaken in March 2007 has produced tender after-growth where

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stock will lie later in the year for long periods. Extensive mowing of firebreaks and rides on Meldon has also provided suitable grazing.

## 6.6 *Effectiveness*

- 6.6.1 The cattle-grids would only partially achieve the purpose for which they have been proposed. Although livestock would be prevented from moving south to the B3212, they would still be able to roam the roads connecting the commons to the north. If cattle-grids are to be used, they should in sufficient numbers and located on the edges of the commons. If only three are to be installed, they should be placed where the unclassified roads join the B3212.
- 6.6.2 The objectors accept without argument the advice given by Natural England that the commons need more maintenance and that increased grazing would have advantages for all aspects of the facilities of the commons. The proposition that there would be considerable ecological advantages through containing animals on the Chagford Commons is therefore fully supported by the objectors. However, the grids as proposed would not resolve the problems of scrub clearance and the regeneration of better quality grasses at the stocking rates enforced by the present ESA agreement.
- 6.6.3 On the other hand, the lack of water elsewhere of the commons could result in Stiniel being over-grazed were the limit on the stocking rate ever to be raised.

## 6.7 *Vehicular and Animal Safety*

- 6.7.1 With the introduction of satellite navigation capabilities into vehicles, drivers are now using the narrow minor roads around Chagford as 'rat runs'. Traffic levels, especially during rush hours, have increased significantly over recent years.
- 6.7.2 In preventing livestock from straying to the south, the proposed grids would result in significantly more animals being found on the roads to the north-west of the grids. They would also give the commoners considerably less incentive to shepherd livestock back onto the commons where they belong. This would be even more the case should the full scheme, as proposed in 2002 [ID 2.1], ever to be adopted. A better approach might be to extend the 40 mph speed limit on the B3212 east of the Moorgate cattle-grid to Mortonhampstead.
- 6.7.3 While the proposal would be to the considerable advantage of a small number of private individuals, in that they would be relieved of much of the effort involved in shepherding their stock, that convenience would be achieved by continuing to allow stock free rein on highways where they should not be. Were all commoners to take advantage of the ESA agreement, the stocking level on the commons could rise to 500 livestock units (which equates to only one fifth of the total livestock permitted by rights of common), making matters far worse.
- 6.7.4 The Chagford commons are separated by narrow and dangerous lanes, with many completely blind bends and junctions. For example, it is nearly a mile from Nattadon and Week Commons to Meldon. Weddicott Cross, where one of the grids would be located, is half a mile from any common, and nearly a mile from the existing cattle-grid near Meldon Hall. Because these roads are edged with high, stone-faced banks, often with no verges at all, the hazard to animals is significant, especially on the road from Weddicott Cross to
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Chagford, the main route into Chagford from the Moor, Princetown and Widecombe.

- 6.7.5 Yellands Cross, which lies on a 'rat run' from Chagford, is particularly dangerous as animals funnelling into the confined space at the bottom of Yellands Lane tend to panic and emerge onto the junction without any visible warning to motorists.
- 6.7.6 Because of the high hedges near the proposed Weddicott Cross grid, the elimination of the south-western arm of the road triangle round the green would make egress from the Weddicott direction dangerous.
- 6.7.7 Inevitably, bypass gates are sometimes left open and, when subsequently closed, animals can be left trapped on the wrong side of the grid.
- 6.7.8 If livestock cannot be restricted exclusively to the Commons, the negative consequences of the cattle-grids in the locations proposed would far outweigh any benefit. The situation should be left as it is.

## 6.8 *Equestrian Safety*

- 6.8.1 An increasing number of people ride in the area – at least 25 regulars (including children) and at least 50 occasional event riders, with four livery stables, a racing stable and an event venue in the area. Because there are few, if any, bridleways connecting farms and houses to the access land of the commons, riders have to share the lanes with the increasing numbers of motorists.
- 6.8.2 Grids are especially dangerous, indeed sometimes fatal, for runaway animals and their riders.
- 6.8.3 Negotiating grids can be difficult for riders with the best of horses. Horses can be frightened by the noise of a vehicle crossing a grid unexpectedly. This is likely to be a particular problem at Weddicott Cross, where the approach lanes are so narrow and visibility is so limited. Many vehicles pass through that junction, including large lorries and tractors. It would be very difficult for the rider waiting for a quiet moment to judge when to open the gate to ride through and drivers might not wait until one had done so. Furthermore, the space on either side of the bypass gate would be quite limited, with barely enough room for a rider and a child on a leading rein. Indeed, if one is on the side into which the gate opens, one's horse would have to step back into the single-track road so that one could open the gate – a situation that could be especially dangerous if the driver of a large vehicle meets oncoming traffic and has to reverse over the grid and cannot see behind him properly.

## 6.9 *Damage to Property*

- 6.9.1 Because of the scarcity of feed, water and shelter on the Commons (particularly Meldon), animals spend a considerable time off the Commons in the local lanes and can cause much damage to hedges, often breaking into properties. Under sub-section 155 of the Highways Act 1980, the owner of any animal found on public roads outside the commons would be guilty of an offence and liable for any damages. Nevertheless, some level of nuisance is accepted by the local farmers and residents, and problems are resolved amicably. However, insofar as the proposed grids will concentrate animals on a few lanes to the north-west of the grids, the situation is likely to become

intolerable in the future. Furthermore, after the existing ESA agreement runs out, the stocking level will have to go up to do the grazing job properly, thus increasing the likelihood of damage to hedgerows, banks, verges and flora along the connecting roads.

- 6.9.2 Should the ESA agreement be discontinued at some date, enclosure of the commons by cattle-grids could encourage increased use by livestock but only at some cost to the hedging and banks along the local lanes.

### 6.10 *Cultural Heritage*

- 6.10.1 Langaford Bridge was listed as a Grade II building in 1987. This requires protection not only of the bridge itself but also of the context in which it sits. Placing a cattle-grid and 50 metres of fencing immediately to the north of the bridge would be a blot on the landscape, compromising the whole setting. It might well be unacceptable to the historic buildings regulators.
- 6.10.2 The fence would also reduce the parking area available for visitors to this beauty spot. This in turn would force people to park on the side of this narrow road and involve the infirm and those with young children to have to walk further to reach the area of the bridge.
- 6.10.3 Livestock would be able to wander under the bridge. This would require fencing to be erected under the bridge, which would deface it and would dam up the river by trapping debris, leaves and branches against it. This in turn could cause flooding and damage in the vicinity of the ancient (albeit not listed) clapper bridges on the adjoining land.

### 6.11 *Public Access*

- 6.11.1 The fencing associated with the proposed grids at Higher Stiniel and Langaford Bridge would be on common land and would thus deny access to the public at those points. To use the parking areas hitherto enjoyed by the public at Higher Stiniel would involve opening gates, which might inadvertently be left open.

### 6.12 *Noise*

- 6.12.1 Noise from vehicles crossing the existing grids can be very intrusive for anyone living within about half a mile of them. Others would suffer from those now proposed.
- 6.12.2 Noise from the grids would entirely change the nature of the heritage sites at Langaford Bridge and Higher Stiniel Down.

### 6.13 *Public Expense*

- 6.13.1 With up to 60% of the proposed scheme being paid for by Natural England, £3,000 coming from the DNPA and most of the balance coming from the County and Parish Councils, this is a publicly-funded project. In view of the doubts about the need for, and effectiveness of the cattle-grids as proposed, the commitment of some £30-33,000 of public money to install and maintain the proposed grids would not be justified.
- 6.13.2 Only two farms would be served by the proposed grids, to the exclusion of all farms to the south. The disadvantages of the proposal would significantly

outweigh the advantages. Expenditure by many for the advantage of so few would not be justified.

#### **6.14 *Consultation and Local Support for the Proposal***

6.14.1 Consultation, even amongst the commoners, has been inadequate. As is evident from the number of people who have now registered objections to the proposal, some of whom are commoners themselves, they are not just a “vociferous minority” as some suggest. In terms of opinions of local residents directly represented at the inquiry, the community is heavily weighted to the objectors - as is evident from a prominent article about the inquiry in the local press. The support given by local democratic bodies is merely the result of extensive lobbying by a very small number of individuals.

#### **6.15 *Written Representations***

- 6.15.1 Amongst the written representations is a letter from Lady Anne Hayter-Hames [ID2.4], in whose family the ownership of the commons has been vested for many years. She questions the wisdom of installing the three cattle-grids as a prelude to the full enclosure of the commons. The traditions associated with the commons should be maintained for the benefit of Chagford’s farmers as well as others. Unfortunately, the conservation policies now in place do not seem to be compatible with grazing. Livestock brings life to these places, to the benefit of all the community. The close nature of the commons is different from that of the high moor, where cattle-grids have generally worked well. Enclosure would remove any need for management. There may be more subtle ways to approach what is inevitably a delicate and emotive issue. She would be reluctant to endorse the permanence of grids without first exploring other methods.
- 6.15.2 No matters are raised in the other written representations that are not discussed in presenting the cases of the parties above.

## **7. CONCLUSIONS**

- 7.1 Bearing in mind the submissions and representations I have reported, I have reached the following conclusions, reference being given in square brackets to earlier paragraphs of this report where appropriate.

### **The Statutory Context**

- 7.2 The highway authority for the public highways on which the proposed three cattle-grids would be constructed is the Devon County Council. Under section 82 of the 1980 Act, the question to be determined by the highway authority is whether it is expedient to install the cattle-grids on these highways (sub-section 82(1)). However, under sub-paragraphs 3(1) to 3(4) of Schedule 10 to the 1980 Act, the authority is able to determine the question in the affirmative only if, after considering this report and the representations made, the Minister consents. This would be subject to any conditions under which that consent is given.
- 7.3 The primary purpose of this report is therefore to recommend whether or not such consent should be given and, if so, what conditions, if any, should be placed on that consent. However, the report also aims to be sufficiently broad in its scope to inform the County Council in making its determination should the Secretary of State grant her consent [3.11].
- 7.4 Given that the final determination of the question is the prerogative of the Devon County Council as the highway authority, it seems to me that the Secretary of State should withhold her consent or impose conditions on that consent only if the proposal would conflict with government policy in some way or prejudice public safety. However, in considering the matter, she is required by section 39 of the Commons Act 2006 to have regard to the wider public interest [5.7.9] (including, nature conservation, conservation of the landscape, the protection of public rights of access to common land and the protection of features of historical interest), as well as the interests of the neighbourhood and the advantage of those having an interest in the commons. She will therefore wish to be satisfied that these matters have been taken into account in the County Council's proposal.

### **Need for the Containment of Livestock**

- 7.5 As long ago as 1992, concern was expressed about animals from the inner Chagford commons being able to wander into Chagford and onto nearby A and B-class roads [3.2, 4.1]. This problem has increased significantly [4.4]. However, at the time, only three of the eight grids required to contain livestock to the commons and the immediately adjacent roads could be afforded. These were installed in 1994, as phase 1 of a larger scheme, and successfully prevented animals straying into Chagford [4.3, 5.2.1, 5.2.2, 5.3.1]. However, livestock is still able to stray onto the wider road system [3.6].
- 7.6 From the farmers' viewpoint the limit on the number of animals allowed to graze the commons under the DEFRA Environmentally Sensitive Area (ESA) agreement has been set too low. Straying animals exacerbate the situation and lower the numbers actually grazing the commons still further. [5.2.6, 5.5.3, 6.5.3, 6.5.4] A particular concern of the commoners now is the number of animals straying onto the B3212 south of Chagford (the main route



- across Dartmoor from Moretonhampstead to Princetown and beyond), with a number being killed or injured [3.3, 4.3, 5.2.2]. This concern is echoed by the Dartmoor National Park Authority (DNPA), the Dartmoor Commoners' Council, local vets, and by those with farms adjacent to the B3212 who often have to deal with the consequences of accidents [5.4.6, 5.6.1, 5.6.2, 5.7.1].
- 7.7 This has led to the proposal by the Chagford Commoners' Association that three cattle-grids be installed on unclassified public roads to the south of Chagford. Although a greater number of grids would have been preferable, ideally on the edges of commons (even with the three new grids, it would still be possible for livestock to reach the A382 and beyond), only three can be afforded – even with financial assistance from various public bodies [3.6, 4.12, 5.4.12].
- 7.8 More than half of the cost of the scheme would be met by Natural England, with a grant under the Conservation Plan element of the ESA agreement, which runs from 2000 to 2010 and requires reduced stocking rates on the commons [3.4, 4.5, 5.1.2, 5.1.10, 5.5.3]. The remainder would come from the DNPA [5.2.5], the County Council (design, location and maintenance only) [3.4] and the Chagford commoners themselves, although recent increases in the County Council's estimate of installation costs (that each grid would cost some £10-11,000) [3.7] have resulted in a funding shortfall of about £10,000 [4.13].
- 7.9 The fact that a number of animals are involved in traffic accidents on the B3212 is not disputed by the County Council, although the precise number and the proportion coming from the Chagford commons are not known [3.3, 5.2.2, 5.6.1, 6.3.7, 6.5.2]. However, no personal injury accidents have been recorded in recent years and the County Council has concluded that, given the competition for funds, there is insufficient justification on highway grounds for the full installation costs to be met by the Council – hence its decision to adopt a neutral position at the inquiry [3.3, 3.9].
- 7.10 Nevertheless, there appears to be some potential benefit for road users in further limiting the likelihood of animals reaching the B3212 and the proposals appear to have the support of the DNPA and local parish councils. In 2004, the County Council therefore agreed to pay for the identification of possible locations and the design of the grids, then estimated to be some £9,600, as well as meeting maintenance costs [3.4, 5.2.5].
- 7.11 Although the objectors suggest that the extension of the 40 mph speed limit east of the Moorgate cattle-grid to Mortonhampstead might improve safety on the B3212 [6.7.2], the supporters say that this would be ineffective [5.6.2]. The highway authority argues that the limited number of animals that would be seen by drivers would bring the signs into disrepute and is reluctant to introduce such a measure [3.3] – an attitude I can well understand.
- 7.12 Insofar as the commons need to be grazed for ecological reasons [see 7.18 below], the tendency of livestock to stray to the south of the commons, particularly towards the better grazing on the verges of the B3212, also works to the ecological disadvantage of the commons – hence Natural England's support for the proposal [4.8, 5.1.5-5.1.7].

- 7.13 I conclude that there is a need for livestock from the Chagford commons to be prevented from reaching the B3212, whether by installing cattle-grids or by some other means.

### **Alternative Means of Protecting the Commons**

- 7.14 The objectors accept without reservation Natural England's view that increased grazing on the commons would have ecological and other advantages [6.6.2]. Nevertheless, some have doubts about the efficacy of grazing as a means of adequately controlling vegetation and promoting biodiversity. They suggest that other means of protecting the commons should be employed. These include burning or mowing, combined with pulling and treading on steep slopes, as means of removing bracken and scrub. [6.2.7, 6.5.5, 6.5.6] They suggest that a long-term solution to the management of the commons that is not dependent on fickle ESA funding should be devised and that other methods should be trialled before installing such permanent works as cattle-grids [6.2.6, 6.15.1].
- 7.15 While burning and/or mowing can be useful in controlling bracken, however, such measures have the disadvantage of being insufficiently discriminatory. Burning, in particular, removes all types of plant and causes serious damage to some species and habitats, including those protected in the Dartmoor Biodiversity Action Plan (BAP). [5.1.6] Although it is suggested that volunteers might pull and tread bracken and scrub as a means of controlling vegetation on steep slopes [6.5.5], no evidence of the likelihood of obtaining enough volunteers was submitted and I have some doubt about the practicability of that approach and of its compatibility with the protection of endangered species.
- 7.16 The UK is committed to BAPs in the interests of reversing any loss or degradation of biodiversity [5.1.3]. The habitats identified in the Dartmoor BAP and found on the Chagford commons include upland heath and purple moor & rush pasture. BAP species include the marsh fritillary and pearl-bordered butterflies, skylark and reed bunting [5.1.3, 5.1.4, 5.7.5]
- 7.17 To get the best mosaic of habitats in order to encourage and preserve protected species, the ideal is to have a mixture of ponies, cattle and sheep. Of these, ponies are the most effective in keeping gorse under control, but are the most difficult to control [5.4.5, 5.5.3, 5.6.3]. While they can be useful in improving grazing on the commons, burning and mowing cannot replace grazing entirely. However, hill farmers are under increasing financial pressure. The prevention of stock straying off the commons and being injured, killed or causing road accidents is becoming increasingly difficult without physical barriers such as grids. The local farmers are becoming increasingly unwilling to risk such losses. When combined with changes in the Common Agricultural Policy, increasing DEFRA Environmentally Sensitive Area (ESA) fixed costs and low market prices, there is a great danger of losing livestock from the commons completely. [5.1.6, 5.1.7, 5.4.4, 5.4.8]
- 7.18 Quite apart from any need to protect the traditions of the commons and the interests of the commoners [5.4.4, 5.4.8, 6.15.1], I conclude that, while other methods of protecting the commons should also be employed, grazing is an essential part of the mix if the ecology of the commons is to be protected.

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## Alternative Means of Containing Livestock on the Commons

- 7.19 It follows that, if the ecology of the commons is to be protected as is envisaged in the Dartmoor BAP, some means of ensuring adequate grazing on the commons is required. The objectors suggest that methods other than cattle-grids should be trialled before installing such permanent works [6.3.4, 6.15.1].
- 7.20 I acknowledge that it might, at least in theory, be possible to undertake a certain amount of mowing, cutting and burning to improve the quality of grazing while limiting ecological damage sufficiently not to undermine ESA funding support of the commoners [5.1.6, 6.2.7, 6.5.5]. By this means, it might also be possible to exercise a degree of control over the distribution of livestock between the four commons [5.1.5, 5.1.7, 6.5.3, 6.5.6]. However, there must be considerable doubt about whether the cost of even such limited mowing and cutting would be financially viable or could be afforded by the commoners; the economic survival of hill farmers is already acknowledged to be precarious [5.1.6, 5.4.8]. I also doubt whether mowing and cutting limited to avoid ecological damage would provide enough good grazing to keep livestock on the commons and thus remove any need for cattle-grids [6.5.5].
- 7.21 The objectors also suggest that the need for cattle-grids could be removed by good stock management. This could include not only hefting or shepherding but also the provision of feed and water on the commons and the retention of pony stallions 'in-bye' (to avoid mares being seduced away from the commons). [6.5.5] However, although sanctions can be applied if stock wanders, shepherding is labour-intensive and thus, again, would be costly for the commoners [5.1.6, 5.5.2]. Hefting does not work with ponies - the stock most difficult to control [5.4.5, 5.5.3]. I therefore doubt whether either measure would be a practicable substitute for cattle-grids.
- 7.22 The objectors suggest that lack of water may be a factor in animals straying off the commons [6.9.1]. However, water is already available from the River Bovey for animals on Stiniel Common and from the stream at the north-eastern end of Padley Common [2.3, 4.9], although whether the latter is always available in the summer, I am not sure. While lack of water may be a constraint in the time livestock spend on Nettadon and Week Commons, it seems to me to be unlikely that the provision of water would reduce the numbers of livestock grazing away from the commons sufficiently to remove the need for cattle-grids, even in combination with mowing and cutting (the provision of feed is prohibited by the terms of the ESA agreement and Cross-Compliance Regulations) [5.1.6, 5.4.5, 5.4.11].
- 7.23 While erection of fencing to enclose the grassed areas of the commons would prevent livestock getting onto adjacent roads, this would require the permission of the landowner, interfere with public access and would be subject to various legal requirements [5.7.9, 6.15.1]. In my view, this would be neither desirable nor practicable.
- 7.24 A judgement on whether the above alternative means of encouraging livestock to remain on the commons, perhaps used in combination, would be viable merits further investigation by the County Council before it comes to a conclusion on the matter. However, on the evidence submitted to me, I conclude that they are most unlikely to be either practicable or sufficiently effective alternatives to be a complete substitute for the proposed cattle-grids
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and that the Secretary of State should not withhold consent on the assumption that cattle-grids are not therefore required.

### **Vehicular and Livestock Safety**

- 7.25 The proposed cattle-grids would prevent livestock from using the three most direct routes to the B3212. As the only remaining ways of reaching the B3212 would be by very indirect routes, I conclude that the proposal would largely achieve its primary aim. However, as only two of the grids would be on the edge of commons and other roads lead off the commons, the proposed scheme would not prevent livestock from straying onto local roads in the immediate vicinity to the north of the grids [3.6, 6.5.2, 6.6.1].
- 7.26 In that drivers leaving the main moor when crossing the cattle-grid at Moorgate would not expect to find cattle on any road further to the east, the proposed grids would have the merit of warning drivers turning north off the B3212 and crossing them to expect animals on the roads ahead.
- 7.27 I cannot agree with the suggestion [6.6.1] that, if only three grids are to be installed, they should be placed where the unclassified roads join the B3212. Four such roads join the B3212. Not only would this suggestion allow livestock continued access to a greater length of local highway, it would also allow continued access to the B3212.
- 7.28 To the extent that livestock would be barred from straying to the south of the commons, I accept that the numbers to be found on the narrow lanes to the north-west of the grids would probably increase and thus add to the hazards in that area. However, in view of their suggestion that, in practice, few animals stray far to the south, I find a lack of logic in the objectors' suggestion that the increase in animals on road to the north-west of the grids would be significant [6.3.7, 6.5.2, 6.7.2, 6.9.1]. They also express concern that the installation of the grids would give the commoners considerably less incentive to shepherd livestock back onto the commons where they belong [6.7.2] but that argument can be countered by pointing out that, insofar as there would be fewer roads to which animals could stray, the job of shepherding would be made that much more easy.
- 7.29 Nevertheless, I do accept that, were the ESA agreement to reach the end of its term without replacement in some form (a Higher Level Environmental Stewardship agreement is one possibility), stocking levels could, at least in theory, increase significantly [4.10, 5.5.5, 6.7.3]. However, although this might result in a further increase in animals on roads to the north, for which there appears to be no record of significant numbers of accidents, without the proposed grids there would presumably be a corresponding increase in livestock straying south towards the B3212, for which there is much more evidence of accidents even if they have not resulted in personal injuries.
- 7.30 I conclude that, whatever the stocking level, there would be a net benefit from the cattle-grids, even in the locations proposed, in terms of the safety of vehicles and livestock.

### **Equestrian Safety**

- 7.31 Cattle-grids are especially dangerous, sometimes even fatal, for runaway horses and their riders. Horses can easily become frightened, especially by unexpected noise. Negotiating cattle-grid bypass gates is not easy for riders,

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even with the best of horses. A considerable number of people ride in the area. However, because of the paucity of bridleways, riders have to share the narrow lanes with the increasing numbers of vehicles now using them. The objectors are therefore concerned about the prospect of even more cattle-grids in the area. [6.7.1, 6.8.1-6.8.3]

- 7.32 They are particularly concerned about the grid proposed for Weddicott Cross, which is approached by narrow, high-banked lanes and has blind corners. The plan for that grid indicates that too little space would be provided on either side of the bypass gate for riders to open the gate, especially if accompanied by a child on a leading rein. [2.5, 6.8.3]
- 7.33 Examination of the layout drawing leads me to share the objectors' concern about the size of the bypass and to question whether the installation has been designed to the appropriate British Standard. Although the County Council says that it would seek to make minor modifications to the proposal in order to minimise the risks for horse riders, possibly by positioning the gate further to the north [3.10], the scheme drawing, confirmed by my site inspection [2.4], shows that there is a field gate less than 4 metres to the north of the proposed location of the grid.
- 7.34 I conclude that, before giving her consent, the Secretary of State would wish to be reassured that the proposed Weddicott Cross cattle-grid could be provided to the appropriate standard without the compulsory purchase of private land and/or denial of access to the adjacent field.

#### **Specific Objection by Mr Rogers**

- 7.35 Closely related to the problem of providing sufficient space for riders safely to use the bypass gate at Weddicott Cross is that of ensuring that large lorries destined for Mr Rogers' farm at Weddicott but needing to avoid the very narrow and congested streets of Chagford could still negotiate that junction with the cattle-grid installed [2.1, 6.1].
- 7.36 The County Council says that no compulsory purchase would be involved in the scheme and that it would endeavour to incorporate modifications to the plans to enable large vehicles to turn the corner at Weddicott Cross - say, by removing part of the northern corner of the green [2.6, 3.5, 3.10]. This may well be the case but, before giving her consent to the proposal, I believe that the Secretary of State would wish to be reassured that such modifications could be combined with those necessary for the safety of horse riders as discussed at paragraphs 7.31-7.34 above and that, in common with the other proposed grids, had been the subject of a safety audit.

#### **Damage to Property**

- 7.37 The objectors point to the damage done to private property by livestock straying from the commons and grazing on the hedges and banks of local lanes, often breaking into properties. Although some level of nuisance is accepted and problems are resolved amicably, local residents are concerned that the proposed grids could result in a greater concentration of livestock on the few lanes to the north-west of the grids – a situation that could become even worse after the current ESA agreement runs out in 2010. [6.9.1]
- 7.38 This is certainly a possibility and will need to be taken into account by the County Council when making its decision. In balancing the benefits of the
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scheme against the disbenefits in terms of such damage and inconvenience, much will depend on an assessment of likely stocking levels post 2010 but I am bound to observe that any increase in damage to properties north of the proposed grids would, at least partly if not completely, be offset by the avoidance of such damage to the south.

- 7.39 I do not, therefore, believe that possible increased damage to properties to the north of the proposed grids is a significant factor bearing on the question of whether or not the grids should be installed.

### **Cultural Heritage and Public Amenity**

- 7.40 Opinions inevitably vary on the extent to which cattle-grids and their associated fencing and traffic signs are an alien feature in the countryside. I note that the DNPA does not believe that the overall impact of the proposal on the amenity represented by the bridge and its surroundings would be great [5.2.4] but there is no doubt in my mind that the cattle-grid and fencing at Langaford Bridge would detract a little from the attractive surroundings in which the Grade II-listed bridge is set [6.2.4, 6.3.4, 6.10.1]. On the other hand, I do not think that livestock would be much more likely to wander under the bridge, as the objectors suggest [6.10.3], than they do now and in any case a suitable barrier could be erected, possibly upstream of the bridge (ie, to its west), which could stop animals without trapping debris or detracting materially from the beauty of the bridge or its surroundings.
- 7.41 While the proposed location of this cattle-grid has the advantage of being on the edge of Stiniel Common, it would also have the disadvantage of reducing the already limited area available for cars to be parked at what is a popular picnic spot. To that extent, it would further detract from the public amenity in terms of enjoying not only the bridge and adjacent clapper bridge but also the picnic spot [6.3.4, 6.4.2]. Although the Dartmoor Commoners' Council states that the DNPA could provide compensating parking if necessary [5.4.10], this has not been confirmed by the DNPA itself and, because of the rising ground to the east of the road [2.8], the provision of replacement parking space might not be a simple matter.
- 7.42 Similarly, at Higher Stiniel, where it is currently possible to park on the grass on either side of the lane, there would be two additional gates in addition to the bypass gate and the associated fencing. To park on the common, it would be necessary to open a gate (which might be left open) [6.3.5, 6.4.2]. Because of the width of the lane, I judge that it would effectively be blocked until one's car had passed through the gate, which might well discourage many members of the public from parking at that point. To the extent that this spot is used for informal parking, the proposal would detract from the amenity of the area
- 7.43 My conclusion is that, while the loss in the amenity value of Stiniel Common resulting from the Langaford Bridge and Higher Stiniel cattle-grids would not be great, it would nevertheless be significant and should be weighed in the balance against the benefits flowing from the proposal.

### **Noise**

- 7.44 The objectors suggest that, as is experienced by those living near the existing cattle-grids, the noise of traffic crossing the proposed grids would be intrusive

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and, in the case of the Langaford Bridge and Higher Stiniel grids, would disturb a tranquil area [6.2.5, 6.12.1, 6.12.2]. However, unlike the existing grids, there would be few people living near the new grids, although one house would be 100 metres or so from the Weddicott Cross grid, albeit shielded to some extent by the bank alongside the grid and with sound levels likely to be absorbed a little by the intervening soft ground [2.4].

- 7.45 No evidence was submitted on noise levels likely to be generated at Weddicott Cross but, from my recent experience in assessing sound evidence in another cattle-grid proposal I judge that noise from the grid at the nearby house would be well below that normally regarded as likely to disturb the occupants' sleep.
- 7.46 My conclusion is that, whilst being a factor to be taken into account, noise from traffic crossing the grids should not be viewed as a significant disadvantage of the proposed scheme.

### **Public Expenditure**

- 7.47 The objectors argue that the expenditure of some £30-33,000 of public funds on installing the three cattle-grids would not be justified, only two farms benefiting from the proposal [6.3.3, 6.13.1, 6.13.2]. However, not only would those driving along the B3212 and lanes to the south of the proposed grids also benefit from the absence of livestock on these roads, the scheme would also work to the benefit of the ecology of the commons.
- 7.48 A judgement on whether such expenditure is justified is a matter for the public bodies that would contribute to the funding of the scheme but, on balance, my view is that its benefits would outweigh its disbenefits so that the expenditure involved might well be justified. I conclude that the Secretary of State should not withhold her consent on grounds of poor value for money.

### **Consultation and Local Support**

- 7.49 I am not in a position to judge precisely where the balance between local support for, and opposition to, the scheme lies [6.14.1]. Suffice it to say that, as is acknowledged by the Chagford Parish Council, the community is split on the issue, with commoners even among the objectors [5.3.3, 6.14.1]. However, the statutory procedures were followed in advertising the proposals, culminating in the original 17 objections [3.7]. The inquiry was duly advertised and was also the subject of a prominent article in the local press [6.14.1].
- 7.50 I conclude that consultation and notice of the inquiry, together with publicity, has been sufficient to ensure that no party's interests have been prejudiced.

### **Legal Obligations on the County Council**

- 7.51 In view of the strongly-held views on both sides of the argument, I can well understand the difficulty faced by the County Council in forming a view on this proposed scheme. However, I was surprised to hear at the inquiry that it had examined the proposal only from the highways viewpoint, without any consideration being given to wider matters such as the effect on the ecology of the commons [3.8].

- 7.52 Given the wider impacts of the proposal and the County Council's statutory obligations under both European and national legislation, particularly that covering the need to protect the environment [5.7.4-5.7.9], it would have been appropriate for the Council to have considered such matters, if necessary holding its own non-statutory public inquiry, before making its submission to the Secretary of State. While final determination of the question is the prerogative of the highway authority, the Secretary of State does need to be reassured that the proposal would not have implications that run counter to government policy. The County Council needs also to bear in mind that, in deciding whether to not to give that consent, she must have regard to the requirements of section 39 of the Commons Act 2006.
- 7.53 Sub-paragraph 2(2) of Schedule 10 to the Highways Act 1980 requires highway authorities to forward not only the representations made, and their observations thereon, to the Minister, but also their proposals. No proposals as such were made in the submission to the Secretary of State.
- 7.54 I conclude that the requirements of sub-paragraph 2(2) of Schedule 10 to the 1980 Act have not been met.

### Overall Conclusions

- 7.55 In the context of section 82 of the Highways Act, under which the submission has been made, I thus conclude that:
- a. the proposed cattle-grids are required to control the passage of animals along the unclassified roads that run through the Chagford commons [sub-section (1)], and that
  - b. facilities would be provided to cater for the passage of animals and all other traffic unable to pass over the cattle-grids [sub-section (2)].

However, until precise details of the modifications required to ensure the safety of riders and their horses at Weddicott Cross, combined with those needed to cater for large vehicles turning at that junction, have been identified, I cannot be sure that there would be no requirement to place any part of the cattle-grid or the associated bypass on land not forming part of the highway or belonging to the highway authority [sub-section (3)].

- 7.56 Before the Secretary of State could give her consent, she would need to be reassured that the proposed cattle-grids had been designed to the appropriate British Standard and had been subject to safety audits.
- 7.57 In regard to section 39 of the Commons Act 2006, I conclude, on the evidence submitted to me that, having regard to the effect of the scheme on the interests of the commoners, the neighbourhood and the wider public interest, that the benefits of the proposed scheme would outweigh its disbenefits. However, before granting consent, the Secretary of State would wish to be reassured that all relevant European and national statutes, regulations and policies had been fully considered by the County Council, which appears not to have been the case so far.
- 7.58 Sub-paragraph 2(2) of Schedule 10 to the Highways Act 1980 requires highway authorities to forward to the Secretary of State not only their observations on any representations made but also their own proposals. No proposals were included in the submission to the Secretary of State.



- 7.59 I conclude that the Secretary of State is not yet in a position to give her consent. Before the matter of consent is again considered, if that still be the wish of the highway authority, the matter should be referred back to the Devon County Council for consideration as to whether or not it wishes to endorse the proposal and, if so, what measures it would take to ensure that an acceptable scheme is implemented.
- 7.60 Hopefully, this report will be of assistance to the County Council in its deliberations [3.11] and may also enable the Secretary of State to exercise her discretion in not calling for a further inquiry (a discretion that is permitted by paragraph 3(5) of Schedule 10 to the 1980 Act) should the matter again be referred to her.

## **8. RECOMMENDATION**

- 8.1 I recommend that the Secretary of State should withhold her consent, this report being sent to the Devon County Council to inform it in its deliberations on the matter.

*A L Roberts*

**INSPECTOR**

### **Appendices:**

- A. Appearances
- B. Inquiry Documents
- C. Proofs of Evidence

**APPEARANCES**

## FOR THE DEVON COUNTY COUNCIL

Mr Simon Clarey, Solicitor

Assistant County Solicitor  
Devon County Council

He called:

Mr B George

Area Engineer South Devon  
Devon County Council

## FOR THE APPLICANT (THE CHAGFORD COMMONERS' ASSOCIATION)

Mr John Shears

Lower Nattadon  
Chagford  
Devon  
TQ13 8ER

Mr Ivan Mortimore

Beach Croft  
Shapley  
Chagford  
Devon  
TQ13 8EB

Mrs M Andrews

Lower Weddicott Farm  
Chagford  
Devon  
TQ13 8EH

## SUPPORTERS

For Natural England:

Miss Karen Aylward

Natural England  
Estuary House  
Peninsular Park  
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For the Dartmoor National Park Authority:

Mr Chris France

Director of Planning  
Dartmoor National Park Authority  
Parke  
Bovey Tracey  
Newton Abbot  
Devon  
TQ13 9JQ

For the Dartmoor Commoners' Council:

Professor Ian Mercer CBE	Chairman Dartmoor Commoners' Council 6 Lockyer Mews Paddons Row Tavistock PL10 0HF
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For the Chagford Parish Council:

Mrs Gay Hill	2 Lower Street Chagford Devon TQ13 8AL
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Mr Martin Perryman	Middle Drewston Mortonhampstead Devon TQ13 8QQ
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6. For the National Farmers Union South West Region

Mr Anthony Gibson	Regional Director National Farmers' Union Agriculture House Pynes Hill Rydon Lane Exeter Devon EX2 5ST
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Individual Supporters:

Mr M Boyer, Solicitor	Appletree Barn Great Weeke Chagford Devon TQ13 8JQ
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Mr Jeff Herrington	International League for the Protection of Animals Moorgate Veterinary Practice Court Meadow Mortonhampstead Devon TQ13 8LG
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Mr Colin Pearse	Barramoore Farm North Bovey Devon TQ13 8AP
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## OBJECTORS

For the Open Spaces Society:

Mr Richard Vines  
18 The Square  
Chagford  
Devon  
TQ13 8DY

For the Langaford Farm Charitable Trust:

Mrs Linda Lemieux  
Homefield  
Stone Lane  
Chagford  
Devon  
TQ 13 6W

For Proper Job Limited:

Mr Richard W Gomme  
Cranford Industrial Estate  
Chagford  
Devon  
TQ13 8EJ

For 16 Objectors [listed at ID 2.2]:

Mr Keith Oliver  
Associate Law Clerk  
Planning and Environmental  
Ashfords  
Ashford House  
Grenadier Road  
Exeter  
EX1 3LH

He called:

Mr Don Arlett  
Yellands Farm  
Chagford  
TQ13 8EG

Ms Susan Derges  
Wesleyan Chapel  
South Zeal  
Okehampton  
Devon  
Ex20 2LA

Mr Adrian Geering  
Lower Middlecott Farm  
Chagford  
Newton Abbot  
Devon  
TQ13 8EW

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Mrs Jennifer Hutchison	Batworthy Mill Chagford Devon TQ13 8EN
Mrs Linda Lemieux	Homefield Stone Lane Chagford Devon TQ 13 6W
Ms Gillian Macfadyen	Yelland Gorse Chagford Devon TQ13 8EG
Mr B G Norris	Down Park Farm Chagford Newton Abbot Devon TQ13 8HY
Mr David Rogers	Higher Weddicott Farm Chagford Newton Abbot Devon TQ 13 8EH
Mr D W Swetman	Nattadon Farm Chagford Newton Abbot Devon TQ 13 8ER
Mr Richard Vines	Hillhead Farm Chagford Devon TQ13 8DY
Individual Objectors:	
Mr Patrick Bugg	Buda Farm Chagford Devon TQ13 8DT
Mr Richard Gomme	Proper Job Limited Cranford Industrial Estate Chagford Devon TQ13 8EJ

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## INQUIRY DOCUMENTS

### 1. Documents submitted by the Devon County Council

- 1.1. Submission to Secretary of State
- 1.2. Notice of Inquiry
- 1.3. Proofs of Evidence/Additional Representations
- 1.4. Map 1, showing grids suggested in 1992
- 1.5. Map 2, showing existing situation
- 1.6. Map 3, showing current proposals
- 1.7. Chagford Area – Collision Record Summary 1992-2007
- 1.8. Summary of Police logs 2002-2005, recording animals on B3212 between Two Bridges and Moretonhampstead
- 1.9. Police Log of problems with animals on the B3212, 12 Apr 05 to 26 Nov 07
- 1.10. Mortonhampstead PC letter to Devon County Council, dated 2 November 2005
- 1.11. North Bovey PC letter to Devon County Council, dated 10 October 2005
- 1.12. Location map
- 1.13. Area Map
- 1.14. Drawing 6267 OK/2 – General Layout and Location Plan for the Langaford Bridge cattle-grid
- 1.15. Drawing 6267 OK/3 – General Layout and Location Plan for the Higher Stiniel cattle-grid
- 1.16. Drawing 6267 OK/4 – General Layout and Location Plan for the Weddicott Cross cattle-grid
- 1.17. Closing Remarks on behalf of the Devon County Council

### 2. Documents submitted by Mr Oliver

- 2.1. Chagford Outer Commons ESA Stock Management Proposals.
- 2.2. Objectors appointing Keith Oliver to represent them
- 2.3. Extract from note by Mrs Joy Taylor
- 2.4. Letter of objection by Lady Anne Hayter-Hames, dated 3 December 2007.
- 2.5. Closing Statement by Mr Oliver on behalf of the objectors

### 3. Documents submitted by the Chagford Commoners' Association

- 3.1. Mr Mills' letter to the DCC, dated 4 April 2006
- 3.2. Devon County Council letter to Mr Mills, dated 12 May 2006

### 4. Documents submitted by the Dartmoor National Park Authority

- 4.1. Report by the DNP Chief Executive – Cattle Grids at Chagford and Runnage
- 4.2. Report of the DNP Director of Forward Planning and Community – Proposed Cattle Grids at Chagford and Runnage

### 5. Documents submitted by Mr Derges

- 5.1. Extract from The Dart, April-May 1999
- 5.2. Extract from The Dart, August-September 1996

### 6. Documents submitted by Mr Perryman

- 6.1. Extracts from Chagford Parish Council minutes relating to Chagford Cattle-grids

### 7. [NOT USED]

**8. Documents submitted by Miss Aylward**

- 8.1. Annex 1 - Scheme Prescriptions – Dartmoor ESA
- 8.2. Annex 2 - Biodiversity Action Plans for Upland Heathland
- 8.3. Annex 3a – Biodiversity Action Plans for Purple Moor and Rush Pasture Pearl-bordered Fritillary
- 8.4. Annex 3b - Section of Annex II of the EC Habitats Directive
- 8.5. Annex 4 – Field notes from the site meeting held in 2002 on map of commons
- 8.6. Fritillary Butterflies of Dartmoor

**9. Documents submitted by Mrs Macfadayen**

4 representation certificates

**10. Documents submitted by Mr Norris**

10 representation certificates

**11. Document submitted by Mr Vines**

Open Spaces Society letter to Devon County Council, dated 3 December 2007

**12. Documents submitted by Mrs Lemieux**

- 12.1. List of Chagford Common commoners
- 12.2. Letter to public inquiry by Mark Beeston
- 12.3. Map - Bends at Quintatown Weddicott
- 12.4. Map, showing location of Langafor
- 12.5. Estate agents' particulars of land adjacent to Langafor Bridge, purchased by the Langafor Farm Charitable Trust
- 12.6. Title No DN526326 Land Registry plan
- 12.7. 16 objectors' representation certificates

**13. Document submitted by Mrs Andrews**

List of active commoners receiving ESA payments, June 2006

**14. Document submitted by Mr Shears**

Closing Summary

## PROOFS OF EVIDENCE

***NB. The proofs of evidence are as submitted. The statements and opinions they contain may have been amended or withdrawn during the course of examination during the inquiries.***

1. Donald Arlett
2. Karen Aylward
3. Matthew Boyer
4. Susan Derges
5. Adrian Geering
6. Brian George
7. Anthony Gibson
8. Richard Gomme
9. Jenny Hutchison
10. Linda Limeux
11. Gillian MacFadayen
12. Professor Ian Mercer [see page 50 of Proofs of Evidence/Additional Representations within ID 1.1]
13. Martin Perryman
14. David Rogers
15. John Shears
16. Richard Vines