

Alison,

Schedule 2 of the byelaws are part of the byelaws and so are subject to the same process detailed below. Ultimately requiring Secretary of State sign-off.

Best,

[REDACTED] | Policy Advisor on Commons and England Coast Path Implementation | Rural and Place | Natural Environment Directorate |
Department for Environment, Food and Rural Affairs |
[Redacted] | 1st Floor, Seacole Building | 2 Marsham Street | Westminster, London |
SW1P 4DF

From: Alison Kohler [REDACTED]
Sent: 24 July 2020 17:12
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Dartmoor Commons Act Byelaws

Dear [REDACTED] | thanks for this I will take a look at the link.

Could you just confirm process for schedule 2 of our byelaws. I am not sure that this is covered in your response?

Ally Kohler

Director of Conservation and Communities
Dartmoor National Park Authority
Parke
Haytor Road
Bovey Tracey
Newton Abbot
DEVON
TQ13 9JQ

Office: [REDACTED]
Mobile: [REDACTED]

From: [REDACTED]
Sent: 20 July 2020 12:03
To: Alison Kohler [REDACTED] |
Cc: [REDACTED]
Subject: RE: Dartmoor Commons Act Byelaws

Dear Alison,

Thank you for sending through your questions. I have spoken to policy colleagues and they have advised me that there are no emergency powers to change byelaws.

As such any changes to the byelaws, including the schedule, would have to go through the full process of Defra approval.

To proceed with these changes you will need your own lawyers to review the implications and make a legal case and assessment. As per the Act, you will also need to consult with the bodies mentioned. Only after this process is complete can Defra seek the Secretary of State's approval. More information on this can be found here: <https://www.gov.uk/guidance/local-government-legislation-byelaws#amending-a-byelaw>.

On your third question, I agree with your reading of the Act that the Authority may close the common for one of the reasons specifically mentioned in Act. However, you would need your own legal advice as to whether your specific reasoning adheres to the Act.

Finally, I should mention that this information represents my view on the policy and is not legal advice. You should consult your own lawyers on this as well.

Best,

[REDACTED] Policy Advisor on Commons and England Coast Path Implementation | Rural and Place | Natural Environment Directorate |
Department for Environment, Food and Rural Affairs |
[Redacted] | 1st Floor, Seacole Building | 2 Marsham Street | Westminster, London |
SW1P 4DF

From: Alison Kohler [REDACTED]

Sent: 15 July 2020 13:28

To: [Redacted] <@defra.gov.uk>

Cc: [Redacted] <@dartmoor.gov.uk>; [Redacted] <@dartmoor.gov.uk>

Subject: Dartmoor Commons Act Byelaws

Dear [REDACTED], thank you for your time this morning to discuss the Dartmoor Commons Act byelaws. Please find below our questions and ask of your team. As discussed a prompt response would be welcome.

1. **Urgent – related to release of LOCKDOWN** and increasing use of the NP for camping. **Action required immediately**

What is the process for us to **change schedule 2 of the byelaws** referring to areas where camping is prohibited. Is there some emergency power or quick process for us doing this?

We would like to add a general restriction that you cannot camp within 1km of the road or if this is not possible we would like to add some new sites to the schedule.

The reason we would like to do this is that we are getting large groups gathering in large tents, building fires, damaging the local environment (SSSI and ancient monuments), causing disturbance to the local communities and leaving human excrement in large amounts across the sites.

2. A review of the byelaws to make them fit for purpose.

What is the process for this and does this require Sec of State approval?

Again if changes to schedule 2 aren't possible quickly – is there any emergency powers under COVID19 or anything else that we could use to change temporarily or permanently one or more of the byelaws?

If you don't mind perhaps I could add a further question

3. Closure of Commons under S10 of the Dartmoor Commons Act

Section 10 (4) of the Dartmoor Commons Act gives the Authority powers to close the Commons or any specific common for 28 days without the need for consultation if this is done for the protection, of any ancient monument or any area of archaeological, historical or scientific interest; after consultation with the Commoners' Council— for the protection and restoration of the natural beauty of the commons and their suitability for rough grazing or recreation; for the preservation of trees planted for shelter on the commons; or for the prevention of the risk of fire on the commons and for the prevention of accidents at any quarry, pit, pond, mine shaft or other man-made source of danger on the commons.

My reading of this is that the Authority has the power to do this as long as with good reason and does not need any approval from Defra, NE or Sec of State? Could you also confirm this for us

With many thanks

Ally Kohler

Director of Conservation and Communities

Dartmoor National Park Authority

Parke

Haytor Road

Bovey Tracey

Newton Abbot

DEVON

TQ13 9JQ

Office: [REDACTED]

Mobile: [REDACTED]

www.dartmoor.gov.uk

This email and any files transmitted with it are confidential and intended solely for the named addressee(s). If you are not a named addressee you should not disseminate, distribute, alter or copy this email. Any views or opinions presented in this email are solely those of the author and might not represent those of the Dartmoor National Park Authority (DNPA). Warning : Although DNPA has

taken reasonable precautions to ensure that no viruses are present in this email, the Authority cannot accept responsibility for any loss arising from the use of this email or attachments.

This message has been sent using TLS 1.2 Department for Environment, Food and Rural Affairs (Defra) This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose, store or copy any of its contents and you should destroy it and inform the sender. Whilst this email and associated attachments will have been checked for known viruses whilst within Defra systems we can accept no responsibility once it has left our systems. Communications on Defra's computer systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.

www.dartmoor.gov.uk

This email and any files transmitted with it are confidential and intended solely for the named addressee(s). If you are not a named addressee you should not disseminate, distribute, alter or copy this email. Any views or opinions presented in this email are solely those of the author and might not represent those of the Dartmoor National Park Authority (DNPA). Warning : Although DNPA has taken reasonable precautions to ensure that no viruses are present in this email, the Authority cannot accept responsibility for any loss arising from the use of this email or attachments.