

Dartmoor Commons



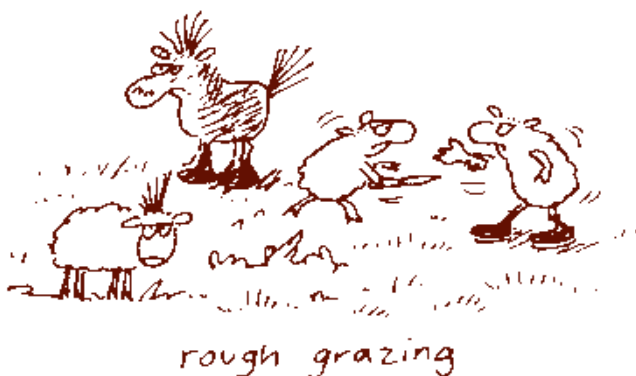
Dartmoor Factsheet

The Dartmoor Commons

Common land covers about 37% of the Dartmoor National Park. It comprises the Forest of Dartmoor (11,178 ha, 27,622 acres), surrounded by the Commons of Devon and a scattering of manorial commons, amounting in total to 35,882 ha (88,525 acres). It is this vast open space which was a significant factor when Dartmoor was considered a candidate for national park designation.

The vegetation of the common land is almost entirely rough grazing with a small area of woodland. Central areas of heather and grass moorland are surrounded by tracts of rough grassland, bracken, gorse and heathland. Height ranges from 152 m to 621 m (500 ft to 2,039 ft) above sea level. Until the *Dartmoor Commons Act* of 1985, public access was 'de facto' which meant that the public had no legal right to walk or ride on the commons, even though they had been traditionally doing so for centuries.

Like common land everywhere, the Dartmoor commons are all owned by someone but are subject to rights of commoners. The *Commons Registration Act* of 1965 required the registration of common land nationally, its ownership, and the extent and nature of the rights held. Today, on Dartmoor, there are 92 separate common land units coming under some 54 different owners and there are about 850 registered commoners.



Rights of Common

The most important right of common is grazing - this right of *common of pasture* is extremely important to the hill farms holding such rights. Rights are attached to specific properties for keeping certain numbers of sheep, cattle and ponies. These rights are registered and depend on the size of the farm. On Dartmoor, rights of grazing exist for some 145,000 sheep, 33,000 cattle, 5,450 ponies and 12,330 other potential grazing units. In practice the numbers actually grazed are much smaller. Scottish Blackface sheep are the commonest breed of sheep though Dartmoors are still kept, particularly on the moorland borders. The main breed of cattle is Galloway, sometimes crossed with Hereford.



These, and other hardy breeds, can out-winter on the moor and have virtually replaced the old South Devons which in the last century were summer grazed only. All cattle, sheep and ponies on the common are owned by someone.

Other rights of common for the benefit of the commoner's land holding exist including:

- turbary* - the right to take turf for fuel for domestic use;
- estovers* - the right to take underwood or branches for fuel or repairs;
- pannage* - the right to allow pigs to eat acorns and beech mast;
- and the right to take *sand, gravel or stone* for use on the commoner's holding.

The owner of the common may enjoy mineral and shooting rights; he/she may graze the common with his/her own livestock alongside those of the commoners, and if there should be a surplus, that belongs to the owner.

The Dartmoor Commons Act, 1985

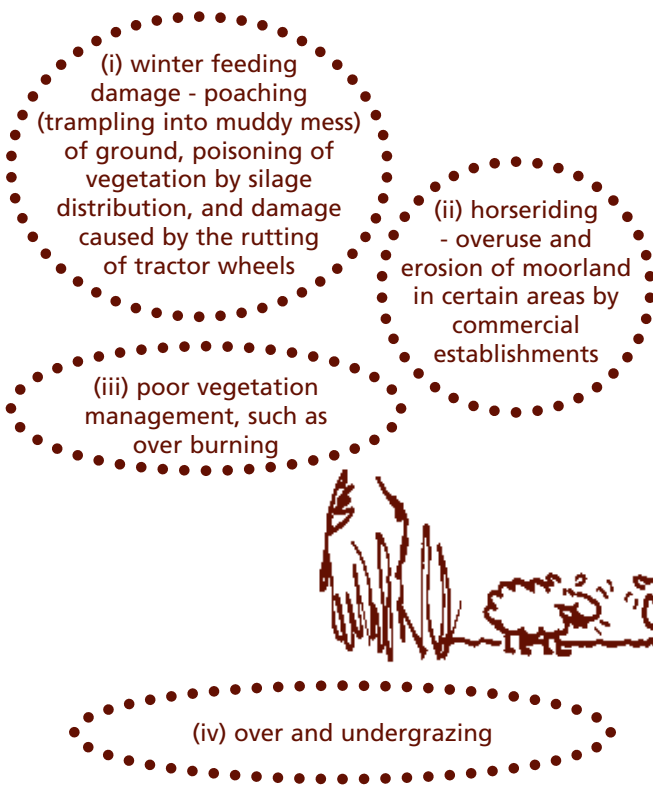
Background

The origins of common land and rights stretch back to time immemorial. In medieval times rights were strictly regulated; land owners appointed officials known as Reeves to check abuses. Such control lapsed during the 20th century to the extent that in 1974 the Dartmoor Commoners' Association approached the Dartmoor National Park Authority expressing a wish to see discipline imposed by law. Problems of over-grazing and under-grazing, poor animal health and husbandry, the incorrect use of grazing by right holders and the abuse of rights were widespread. At the same time pressures of public access and increased recreation were rising and there was a need to legalize such access with appropriate controls.

This legislation took eleven years to pass, including parliamentary failure of a first Bill before a second revised Bill was enacted in 1985. Close ties developed between commoners and the National Park Authority during the lengthy debate. The Act represents a major step forward in common land management.

Some problems tackled

The major problems which led to the *Dartmoor Commons Act*, the Byelaws and the Dartmoor Commoners' Council Regulations were:



The Act

The full act can be viewed on-line at www.dartmoor-npa.gov.uk - go to A-Z and click on *Dartmoor Commons Act, 1985*.

The Act contains two main parts dealing with the regulation of grazing rights and the control of public access.

1. The Dartmoor Commoners' Council was set up for the maintenance and promotion of proper standards of livestock husbandry on the commons in and about the Dartmoor National Park. The Council is made up of 26-28 members including 20 elected by the commoners and representing both large and small graziers from each quarter of Dartmoor, 2 appointed members from the Dartmoor National Park Authority, 1 representative of the Duchy of Cornwall, 2 representing other landowners, and 1 independent veterinary surgeon.

Under the terms of the Act, the Council has to draw up regulations to ensure the good husbandry and maintenance of health of all animals kept on the commons. The first Council was elected in 1986 following the preparation of a voting register of all commoners using the commons. The Council is financed by a fee levied on both active graziers (30 pence/livestock unit) and non-active right holders (5 pence/ livestock unit).

2. The second part of the Act established a legal right of access on foot and on horseback to the commons for the purpose of open air recreation. The National Park Authority may prohibit or regulate access for the protection of ancient monuments or areas of scientific interest as well as for restoration and for the protection of trees. It can make byelaws and appoint wardens for the control of this access. Control is also given over the activities of commercial riding stables where this is necessary to prevent damage to the commons.

The Act combines livestock grazing and recreation interests. The legislative framework maintains the values of both, and it conserves the landscape of the National Park for the future. It may be seen as a forerunner of national common land legislation and is essentially a large scale management and access agreement between the commoners and the National Park Authority.



Open access

The public has legal open access to about 47,400 hectares of Dartmoor. Of this total, public access on foot (and horseback) to the Dartmoor commons, was secured under the *Dartmoor Commons Act 1985*. 5,200 hectares is access on foot made by agreement between the National Park Authority and a number of landowners/occupiers. New walking rights on Dartmoor specifically arising from the *Countryside and Rights of Way Act 2000* (CRoW Act), as from 28 August 2005, extend to approximately 7,000 hectares.

On Dartmoor, this symbol is currently being used to inform you that you are entering CRoW Act access land.



In areas where there is open access, generally you do not have to stay on footpaths, bridleways or other rights of way. The vast areas of open country on north and south Dartmoor are mainly common land. There are also smaller areas of common land throughout the National Park, especially on the eastern side. Generally, access to common land is unrestricted in terms of when you can visit. The exceptions to this are the MoD's Range Danger Areas on north Dartmoor - firing times must be checked when planning to walk in these areas.

There are other areas in the National Park where the public has permitted open access, for example Forestry Commission woodlands and some National Trust land. Local on the ground information is usually provided to help people identify and explore such areas.

Summary of Dartmoor Commons Byelaws

These Byelaws apply to the Dartmoor Commons and other access land within the National Park.

In summary they make it an offence to :-

- (i) drive, park or repair vehicles or trailers on the commons, or ride bicycles on the commons where there is no right of way for them
- (ii) camp within 100 metres of any road or in other prohibited places
- (iii) obstruct leats or watercourses
- (iv) light fires
- (v) allow dogs to run uncontrolled
- (vi) feed animals grazing on the commons
- (vii) train or school horses so as to cause damage
- (viii) disturb wildlife
- (ix) discharge firearms
- (x) throw or hit missiles (including golf balls) so as to cause annoyance to others
- (xi) damage fences, walls or property or remove soil, peat, dung or stones
- (xii) use metal detectors
- (xiii) engage in commercial activities except with the agreement of the Dartmoor National Park Authority and the landowner
- (xiv) fly model aircraft or kites so as to cause annoyance to others
- (xv) hold concerts or exhibitions without permission of the Dartmoor National Park Authority and the landowner
- (xvi) play musical instruments or radios so as to cause annoyance to others.

The Byelaws are enforced by National Park Rangers, with penalties of up to £100 per conviction.

This is only a summary of the Dartmoor Commons Byelaws. Copies of the Byelaws are available from Dartmoor National Park Information Centres or Headquarters; or view them on-line at www.dartmoor-npa.gov.uk go to A-Z and click on Byelaws.

Dartmoor Commoners' Council Regulations

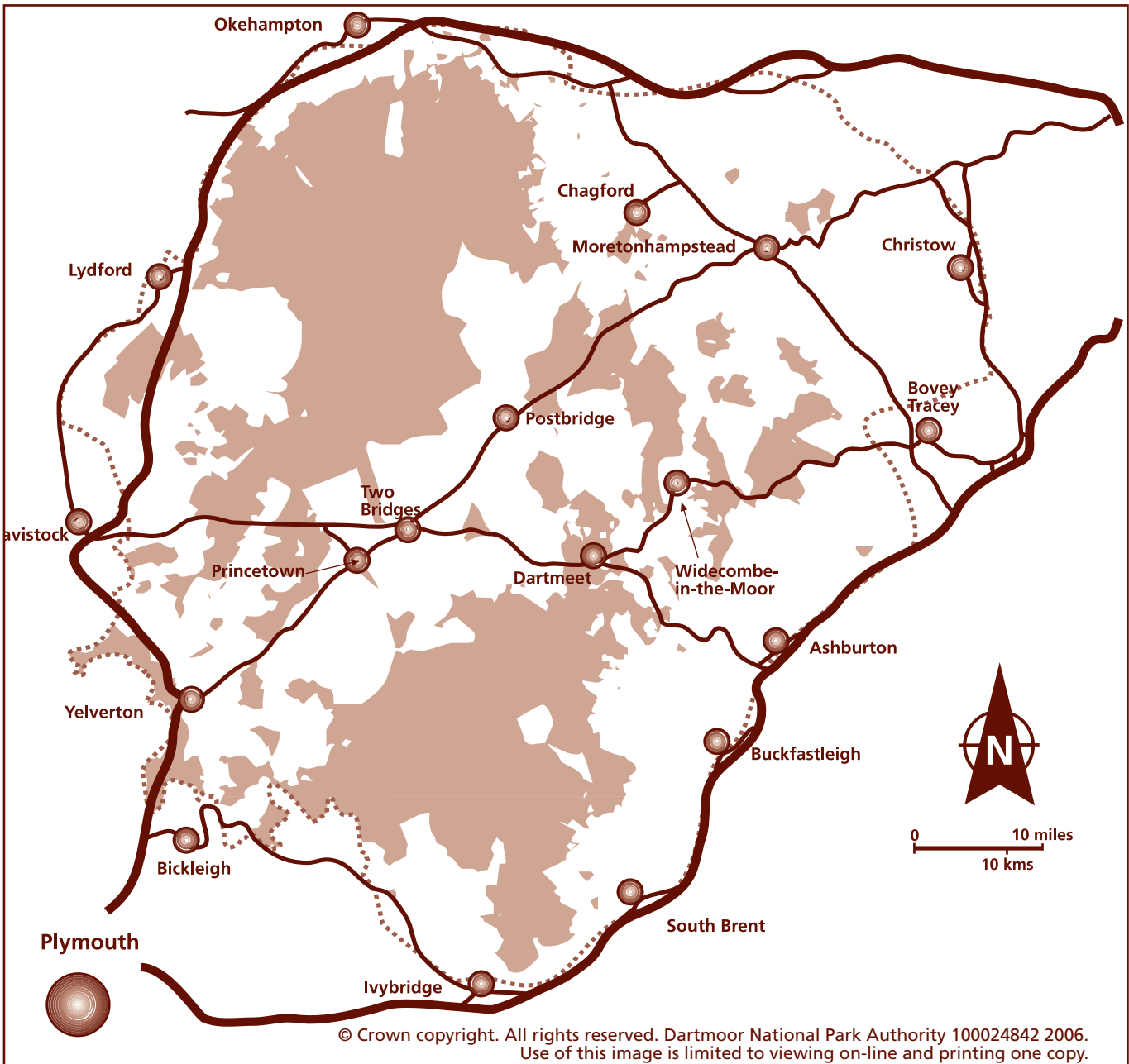
The Dartmoor Commoners' Council drew up Regulations governing the commoners' activities. After widespread consultation these Regulations were passed in September 1990.

In summary they ensure that:

- (i) animals are properly hefted or leared (getting cattle and sheep accustomed to a specific area) in accordance with the custom and practice of Dartmoor;
- (ii) animals are permanently marked for the identification of ownership;
- (iii) diseased or unthrifty stock (weak or old animals) are not kept on the commons;
- (iv) stock are not kept on the commons during prohibited periods, for example when it is necessary to control outbreaks of disease;
- (v) there are no bulls over the age of six months on the commons;
- (vi) there are no shod horses or ponies on the commons;
- (vii) there are no rams on the commons from the end of July until 10 November;
- (viii) dead livestock are removed promptly;
- (ix) motorised vehicles are not driven onto the commons except in the course of proper management or stock care;
- (x) heather, grass and gorse can only be burned (swaled) in the correct way.



Common Land on Dartmoor



Key

- Boundary of Dartmoor National Park
- Road
- Commons

Further information available from our web site
www.dartmoor-npa.gov.uk
 Visit the A-Z to access resources listed.

- Other related factsheets:
- Ponies
 - Public Rights of Way

- Other publications:
- *Dartmoor Commons Act, 1985*
 - *Dartmoor Commons Byelaws*
 - *Dartmoor Commoners' Council Regulations*
 - *Walking on Dartmoor*

For further information, and a list of other Fact Sheets available, contact the:
Education Service,
Dartmoor National Park Authority,
Parke, Bovey Tracey, Newton Abbot,
Devon TQ13 9JQ
Tel: (01626) 832093
E-mail: education@dartmoor-npa.gov.uk
Web site: www.dartmoor-npa.gov.uk
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