

An Introduction to the Ownership, Administration and Management of Land in and around the Village of Belstone

The land in and around Belstone is subject to number of overlapping local interests and administrations. The aim of this booklet is simply to introduce them and their various areas of responsibility. They include:

Belstone Commoners Association
The Manor of Belstone & The Duchy of Cornwall
Dartmoor National Park Authority
West Devon Borough Council
Belstone Parish Council

(This guidance from Belstone Commoners' Association is not a legal document, claims no legal force and is based solely on informed opinion. Those needing a legal opinion on any of the matters discussed herein would be advised to consult with a legal professional)

COMMON LAND

In common with most open land on Dartmoor, the open land in and around the village, including the area of open moorland stretching south and south-west of the village between the Rivers Taw and East Okement (up to a boundary running between Taw Marsh and Cullever Steps), is what is known in law as Common Land.

The legally distinguishing feature of Common Land is that it is land the soil of which belongs to one person, but over which certain other people have rights e.g. the right to graze with cattle, sheep or ponies, the right to take gravel or peat or the right to take fallen wood or dead bracken. These rights are called Rights of Common and those who own any of these rights in Belstone are called Belstone Commoners.

THE LANDOWNERS

In the case of Belstone Common the actual landowners of the common land are the ***Lord of the Manor of Belstone***^{*} (Mr Michael Reddaway) and the ***Duchy of Cornwall***. The landowners also own the trees and bushes on the common - though many Belstone Commoners have the right to pick up and remove fallen and dead wood and bracken (the right to the last being called the Right of Common of *estovers*). Although they are the landowners, neither the Lord of the Manor nor the Duchy may act in such a way as would deprive Commoners of their rights (e.g. by enclosure or by otherwise restricting their access or affecting the capacity of the land to provide grazing).

[* The Manor of Belstone encompasses the "Inner Commons" in and around the village, eastwards down Belstone Cleave, and southwards up the West Cleave as far as the bank running down to the East Okement river from a point just north of the ruins of Watchet Hill Cottage (a.k.a "Black House").]

There are a number of small pieces of the manorial land which, though co-extensive with (and treated as) common land have not been formally registered as such.

THE COMMONERS

In general Rights of Common are owned by those who own either a house or land (or both) and Belstone Commoners enjoy different rights *depending on what was registered when the law relating to Rights of Common was revised* under the Commons Registration Act of 1965. By no means all householders and landowners are necessarily commoners and all commoners do not necessarily enjoy the same rights. Of particular note is the fact that, though many commoners own grazing rights, only a very few (currently six) are "active" graziers i.e. farmers currently entitled to exercise those rights.

The Authority for the Registration of Common Land is *Devon County Council*. For the formal transfer of Rights of Common following a change in ownership of property or land, it is necessary to contact the office of the County Solicitor at County Hall, Exeter (Tel. **01392 382295**). Staff there will advise as to the necessary course of action, forms to be filled in etc etc.

BELSTONE COMMONERS' ASSOCIATION

In summary, matters affecting common land in and around the village are subject to two principal sets of interest - that of the owner of the ground (the landowner) and that of those with rights to the fruits and products of the land (the commoners - represented in Belstone by *The Belstone Commoners' Association* - acting clerk Mrs Ann Norman **01837 840581**). All Belstone Commoners are free to attend (and to vote at) the periodical meetings of the Association notices of which are posted around the village.

Activities on or involving Common Land which go beyond recreational enjoyment of air and exercise* should generally be cleared with both The Lord of the Manor and Belstone Commoners' Association

* Common Land in Belstone is also subject to the overriding provisions of legislation such as the *National Parks & Access to the Countryside Act, 1949* which ensures that the public shall have free access to all parts of the common for the purposes of leisure and recreational activities.

The Commoners' Association appoints the office of the *Port-reeve* whose remit covers the Inner Commons (as defined above). Traditionally this role involved checking that rights were being exercised correctly. In the case of grazing stock he might impound animals straying from other commons or otherwise grazing unlawfully.

Nowadays the Port-reeve is appointed mainly to keep an eye on the Common, to respond "on the ground" to any incidents or activities affecting it, and to report to the Association. Those who discover injured or ailing stock on the Common - if the actual owner is not known or identifiable to them - should report this to the Port-reeve. (The current Port-reeve is Mr Michael Ash **01837 840082**)

N.B. Fencing against commoners' stock grazing throughout Belstone is entirely the responsibility of the individual house/land owner. It is particularly important for gardeners to remember that an open gate is seen by stock as an open invitation to enter and graze! Neither cattle, sheep nor ponies are fussy about where (or of what) they might find an extra bite to eat - especially in the late winter.

[At the northern edge of the Great Green on the corner of Belstone Cleave (beyond the parking area by Orchard Close) there is a site which the Lord of the Manor and the Belstone Commoners have traditionally allowed villagers to use as a garden rubbish tip. This site is strictly for garden rubbish only. However in accordance with indications from DEFRA (MAFF reference book 161, *Poisonous Plants in Britain*) and from *RHS Online*, **clippings and leaves of the following garden shrubs must never be deposited there** where stock grazing on the common will browse on them and be poisoned: BOX, CHERRY LAUREL, HORSE CHESTNUT, DAPHNE, LABURNUM, MOUNTAIN LAUREL (*Kalmia*), PRIVET, RHODODENDRON, STAGHHORN AND SMOOTH SUMACH (*Rhus*) and garden CONIFERS (inc. CYPRESS, "LEYLANDII", JUNIPER, THUJA AND YEW)]

Commons adjacent to Belstone Common are those of the Forest of Dartmoor, Okehampton and South Tawton. Land on Cosdon, on the other side of the River Taw, falls within South Tawton Common. While the administration etc of S.Tawton Common and others may be broadly similar to that of Belstone Common, they are completely distinct commons with their own Lords of the Manor and distinct commoners' associations.

Once every seven years the Commoners' Association holds *The Beating of the Bounds*. For this traditional event commoners, villagers and others walk the entire length of the boundary of Belstone Common stopping at various key points along the way. It serves both as a re-affirmation of the borders of the Common and as a celebration of the village's continued involvement with it.

DARTMOOR COMMONERS' COUNCIL

The body representing all local Dartmoor Commoners' Associations and their members is called *Dartmoor Commoners' Council* (Sec. Mrs C.Seage, 6 Lockyer Mews, Paddons Row, Tavistock, PL19 0HF. **01822 618892**). For a Commoner to be able to enjoy his/her full rights and privileges (e.g. to vote in Dartmoor Commoners' Council elections or to participate in ESA Agreements etc [see below]) it is necessary to pay the small annual subscription to this body. This is calculated in proportion to the number of rights of common which the individual commoner holds with respect to grazing (i.e. for the number of "livestock units" which are registered in the commoner's name).

ENVIRONMENTALLY SENSITIVE AREA AGREEMENT

Belstone Common is currently subject to the conditions of an Environmentally Sensitive Area Agreement which is administered by *Natural England* (part of DEFRA). In compliance with EU and national policy this scheme is geared towards the active management of the common so as to strike the currently favoured balance between wildlife ("biodiversity") and amenity values and those of agriculture. Management activities which may be visible on the common from time to time are all conducted under the close supervision of the aforementioned agencies. N.B. A significant aspect of this Agreement is that those commoners who have signed up to it have agreed to waive some or all of their grazing rights of common for the term of the Agreement.

There is a good general introduction to Commons and Commons Law at www.defra.gov.uk/wildlife-countryside/issues/common/definitions and its associated "faqs".

DARTMOOR NATIONAL PARK

Dartmoor is of course a National Park and, in common with other areas so designated, is subject to its relevant statutory Authority - *Dartmoor National Park Authority* (DNPA). This body has broad powers to pursue the following duties:

- *the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the area*
- *the promotion of opportunities for the understanding and enjoyment of the area's special qualities by the public*

Various Byelaws apply within Dartmoor National Park especially with respect to vehicles, camping and other activities within the Park*. These, along with general introductions to Dartmoor Commons and Dartmoor Commoners Council can be viewed at:

www.dartmoor-npa.gov.uk/au-byelaws

and

www.dartmoor-npa.gov.uk/lab-dartmoorcommons

or copies can be obtained from the DNPA, Parke, Bovey Tracey TQ13 9JQ (**01626 832093**).

The DNPA employs rangers who are its eyes and ears. They monitor erosion and litter, and generally make sure things (including public footpaths, bridleways etc) are in order. The current DNPA Ranger for the area in which Belstone Common lies is Ian Brooker (**07720 509273**).

[*Of particular note is the fact that driving a motor vehicle without lawful authority more than 13.75 metres from the public highway onto or upon common land is an offence subject to a fine of up to £400]

The DNPA is the local planning authority with powers of consent and refusal over developments and changes to "the built environment".

DNPA is also responsible for the Preservation Orders which may from time to time be applied to outstanding trees within its area.

BOROUGH COUNCIL

For refuse collection, health & safety etc the local authority is *West Devon Borough Council* (Kilworthy Park, Tavistock PL19 0BZ. **01822 813600**). For highway matters the Local Service Group of Devon County Council is based in Okehampton (Tel. **01837 52773** but DCC have a comprehensive website for reporting various types of problem at www.devon.gov.uk).

PARISH COUNCIL

Parishioners who wish to raise matters in relation to any of these issues are always welcome to contact *Belstone Parish Council* (Clerk. Mrs Sarah Blacksell **01837 840808**) in addition to making their own personal representations to WDBC, DCC or DNPA. While the Parish Council will often take up a parishioner's case where it coincides with the public interest, it has a duty to represent all parishioners equally without fear or favour. It therefore does not involve itself in disputes between neighbours. The Parish Council is responsible for the siting, regular inspection and insurance of the public seating which is from time to time donated for placement in and around the village. [Belstone Village Hall is run independently of the Parish Council by the Belstone Village Hall Management Committee. The public car park opposite Belstone Village Hall lies on Common Land and its use as such is with the ongoing consent of the Lord of the Manor and Belstone Commoners' Association.]

SKAIGH WOOD

Belstone Parish Councillors, as the trustees of *Skaigh Wood Trust*, are also responsible for the management of Skaigh Wood, the area of enclosed woodland on the lower slopes of Cosdon above Sticklepath and the lower part of Belstone Cleave. Although it is on the South Tawton side of the River Taw, Skaigh Wood has actually been in the ownership of the village of Belstone since 1956. While it is not Common Land, the people of Belstone have free access to Skaigh Wood and other members of the public may of course use the registered footpaths running through it. As with Belstone Common, land management policy is consultative - in this case with the DNPA and the Head of Trees & Woodland. The

grassland area within Skaigh Wood (known as Skaigh Warren) is subject to an agricultural tenancy and DNPA grassland ecologists are consulted with respect to management.

Additional telephone numbers for use in emergencies

Highways (local) – Tree/branches blocking roads, highway flooding, drains (not sewers or water mains), salting, snow, maintenance.

Local highways office, Okehampton: 01837 52773

or

Devon County Control & Information Room (24 hour): 01392 383329

South West Water

Emergencies

(Help & info 24 hrs a day for leaks, sewers & mains)**0800 169 1144**

Pollution hotline

Sewage leaks from works, pumping stations or pipes: **0800 146 084**

Floodline: 0845 988 1188

(Sandbags for village stored at Dagworthy. Contact Ann Norman 840581)

Highway flooding – see highways contacts above

Environment Agency Incident Hotline : 0800 80 70 60

Risks to wildlife: Illegal dumping of hazardous waste, fish in distress, poaching/poisoning, pollution.

Dartmoor Rescue Group: 999