

DARTMOOR NATIONAL PARK AUTHORITY

Friday 27 January 2023

Present: W Dracup, G Gribble, P Harper, G Hill, J McInnes, S Morgan,
J Nutley, N Oakley, C Pannell, M Renders, L Samuel, P Sanders,
P Smerdon, D Thomas, P Woods (Chair)

Officers: K Bishop, Chief Executive (National Park Officer)
S Smith, Solicitor (acting on behalf of Devon County Council,
via Microsoft Teams)

Apologies: A Cooper, R Glanville, D Moyse, L Samuel, P Vogel

The Chair welcomed Mrs Shewan, Independent Person and the four registered speakers, together with those listening to the meeting via livestream.

3475 Declarations of Interest

Mrs Oakley declared a personal interest due to being a Duchy of Cornwall tenant and advising that she allowed wild camping on the newtaks. She advised that this had nothing to do with the common and there was no financial gain involved in this activity.

Mr Harper declared a personal interest due to his being a Ten Tors Manager and a member of the Ten Tors Policy Committee.

3476 Chair's Report

The Chair advised that she would not be reporting on this occasion due to the meeting being an Emergency Authority meeting.

3477 Public Participation

The Chair advised that there were four speakers who had registered to speak, together with a written statement, to be read out by the Director of Conservation and Communities. Each speaker, including the Director, would be granted four minutes each. She clarified that after each speaker, Members would be able to ask questions but there would be no debate. The debate would take place during the next item on the agenda.

The first speaker, Mr Tom Usher, read a statement that he had prepared as follows:

"Thank you chair and members for this opportunity to speak. I am here on behalf of the Dartmoor Preservation Association (DPA), who as you will know have been working to keep the moor wild and free for 140 years, defending access, preventing inappropriate development and working to conserve the heritage and ecology of the moor.

Last week the DPA wrote to this board recommending three things:

Firstly, that Byelaws be delayed pending either better understanding of the implications of the backpack camping judgement OR an appeal to that

judgement. Speaking as a consultee in both stages of the process; the complexity and possible challenge for every single byelaw, from water access and commercial activities to dogs and backpack camping makes a pause sensible and that remains our recommendation.

Our second recommendation was that DNPA work with landowners urgently to create a permissive backpack camping map. This has happened, and we recognise the efforts of the authority and the landowners and commoners council that have made it happen so fast. Whilst we do not agree with this system, we do acknowledge that this quick and collaborative approach has saved important activities like DoE expeditions and TenTors for this year. We do ask that the agreement period is extended to at least 5 years from now in order to give greater certainty to all.

Finally and most importantly, we called on the national park authority formally to seek leave to appeal the backpack camping judgement.

We fear this judgement is the beginning of a permission-based system on Dartmoor. Whilst right now the backpack camping situation has not changed in a day-to-day way, other than a slight area reduction, it has set a precedent for permission being required of other activities in the future; put-ins for kayaks, commercial walking groups, climbing clubs, and the many other sole-trader businesses that ring the moor and rely on tourism and free access.

We want DNPA to appeal; we will support that effort in any way we can. One way is as a focus of public donations. If the DNPA Members seek leave to appeal then we will immediately investigate that route and subject to professional advice, the DPA Trustees would be minded to support DNPA in that way as a focus and holder of donations for an appeal. This would allow the DPA, a deeply established organisation on the moor and a landowner ourselves to facilitate material support to the national park specifically around and limited to the future costs of an appeal by leveraging our position as a properly established legal and accountable entity. We will do the work to investigate but the first step is to seek leave to appeal.

We must, however, all recognise that nothing on the moor happens in isolation. We are proud of our joint work on Our Upland Commons, the Peatlands Partnership, The Princetown conservation Garden and co-working on heritage conservation projects, also our shared interest in the future of young people on Dartmoor. In all these things we have been joined by landowners who are the physical custodians of the moor, external organisations, Dartmoor charities and volunteers. Therefore, whatever course you decide on, we ask very clearly that we all keep an eye on the long term and the need for productive and collaborative relationships with all that love the moor.

So, today you are sensibly discussing how to give everyone time and clarity to make better decisions on the byelaws by delaying them, you also have prevented disaster to TenTors and the summer tourist season by quickly organising a permissive camping arrangement free at the point of use, to

recoin a phrase. Now you need to tackle the underlying problem; the judgement that has caused so much trouble and set the foundations of a permissions-based Dartmoor, not a Dartmoor that is wild and free for all.

You have our support in an appeal”.

Members had no questions for Mr Usher.

The second speaker, Mr Daniel Davy, read from a statement that he had prepared as follows:

“My name is Daniel Davy. I have both lived and worked on Dartmoor my whole life. In my early years, I grew up watching my dad engaging with Dartmoor. He was part of organisations such as the Dartmoor Rescue Group in Ashburton, a Mountain Leader for both Scouts and other youth groups, part of the Dartmoor Animal Protection League and he has also wild camped on the moors for over 60 years, so you could say Dartmoor is in my blood. Now, I live in South Brent and work as a tree surgeon cutting domestic trees and in the past clearing powerlines, all over the moors and surrounding areas. I spend most of my recreation time on the moors from walking, letterboxing and of course lots of wild camping.

I am speaking on behalf of the Dartmoor Wild Camping Action Group, which is an organisation that has been set up in response to the ruling in the Darwall verses Dartmoor National Park Authority case on the 13th January 2023. We have a Facebook group that has garnered over 3500 members in the short time that it has been running and our main purpose is to fight for the rights of the public.

We have asked to speak today, to encourage DNPA to appeal the court’s decision and to explain how we can help support you in doing that.

From reading the court transcript, it seems that there are several points of contention which could be better evidenced in order to ensure a win at the appeal:

- 1. The judgment centred around the fact that wild camping is not classed as a recreational activity in its own right and as such, is not covered in Section 10(1) of the Dartmoor Commons Act 1985. We would strongly disagree with this assessment. The judge mentioned that camping is an act that facilitates walking, not a recreational activity within its own right. You are aware, I am sure, that this is untrue. To wild camp on the moors requires a plan, specialist equipment and training. People will hike out to a remote part of the moor, with the specific intention to camp, rather than to enable them to continue hiking. The Mountain Training qualifications even have a separate camping training course, so this should be viewed as a separate activity. We can help provide you with testimonials to evidence this practice for the appeal.*
- 2. The court case seemed to believe there was not a local custom of wild camping. This is another point, that you know yourselves, is untrue. It has*

been customary to wild camp, without permission for generations and we can help again to provide testimonials and evidence to support this. For example, in 1903 William Crossing wrote 'we have ourselves camped out on Dartmoor, both with a tent and without one. In the latter case a turf tie or a gully has afforded shelter.' This is at the end of an article entitled 'Under Canvas' published as part of a series entitled 'present day life on Dartmoor' in the Western Morning News and Media. This is just one of many examples that shows camping is a custom that has been enjoyed for years on Dartmoor.

3. *Darwall's main objection to wild camping on the moor was around environmental issues, including the lighting of fires and the leaving of litter. Considering his very questionable environmental practices that his own estate follows and the fact that some of his land appears on the new permissive map which comes with the payment of an undisclosed amount, that argument doesn't stand up to scrutiny. How can the environmental issues be such that he wanted to go to court to fight against it, but now he is allowing permission for some camping to take place? I am sure you can agree that the vast majority of litter/fire damage and such, does not come from true wild camping, which follows the 'Leave No Trace' policy. It comes from day trippers and fly campers leaving litter which was already illegal under fly tipping laws. This removal of the right to camp will not stop that. Again, we can help you to provide testimonials to that effect and help to educate people on the 'Leave No Trace' principles.*
4. *The ability to wild camp on the moors is a safety issue. Anyone who has spent time on the moors will know that she is a true reflection of some of the wildest areas of the UK. The weather can change in an instant and when the fog comes down, you have to have military grade navigation skills to get back to civilisation!*

As an organisation we are here to support you so if you decide to appeal we are happy to provide evidence, testimonials, do fundraising etc. We are here to support the DNPA."

Mr Davy advised that he had a petition which proved their ability to crown fund etc. This was received by Members.

In response to a question from a Member, Mr Davy clarified that he had spoken on behalf of the Dartmoor Wild Camping Action Group, a group of wild campers. There were no other questions for Mr Davy.

The third speaker, Mr John Howell, read a statement that he had prepared as follows:

"Good morning. My name's John Howell. I'm the owner of Harford Moor and Piles Copse. I've been a camper on Dartmoor for 59 years – I started young – and I'm the current chairman of the Dartmoor Commons Owners' Association. I speak for the majority of our members, but not for all.

The High Court judgment simply clarifies a point of law. There was not, in fact, a right of camping on the Dartmoor commons, and it shouldn't have been in the byelaws. The interpretation was clear and was made following the presentation of extensive evidence and legal arguments.

The owners have responded not by demanding reparations for over thirty years of damage to our property, but by immediately proposing a scheme and working with the Park executive to implement it together. We got support from our members very quickly because we'd all been thinking about the problem for many years. Under the byelaws it was almost impossible to get the camping map adjusted and so we went on from year to year seeing sensitive corners of our land becoming more and more degraded by fly camping. We knew exactly where boundaries needed to be redrawn, and that is what you can see on the emerging new camping map. Most of us have excluded areas where fly camping happened but backpack camping did not. We're open to constructive discussion as to other ways to address this, but distance from a road appears to be a key factor here.

I'd therefore wholeheartedly support the Chief Executive's report to the Authority on this matter and ask you to give it your approval. I'd also like to express my Association's thanks to the Chief Executive and the Director of Conservation and Communities for the positive partnership they've shown over the last fortnight.

Owners' motivation in managing the Dartmoor commons is mostly for pro-environmental reasons and certainly not financial ones. Our stated aim in supporting backpack camping is to ensure that the environment is conserved. We also support the use of the commons as part of the livelihood system for Dartmoor's farmers. Many landowner families have multi-generational visions for the Dartmoor commons. Nearly all of us welcome long-term initiatives such as peat rewetting, natural flood management, tree planting and many other projects where we're collaborating with you. We do not change our minds quickly on principles that we all support, such as camping.

It's imperative that the Authority does not appeal the judgement. Within a week, a critical mass of owners agreed to an arrangement that will run on a three-year basis, rolling forward indefinitely. If you appeal, you'll show that you don't trust us. We have no representation on the Authority, so there's no one to speak for us although we take the brunt of activities on the moor and are bound by legal obligations to protect the environment and archaeology. If you appeal, you're seeking to go back to a system that didn't work, and over a period of 30 years was getting worse year by year. If you appeal, you're risking the wastage of a lot more public money if the current clear judgement is upheld, to try to win a point of principle over a problem for which a better solution is already in place.

If you don't like the judgement, then take a longer term view. There's clearly a widespread demand for greater recreational use of the moor, which somehow needs to be done in ways that do not impede the moor's enhanced role in climate change alleviation and biodiversity conservation. We don't want to

risk further costly legal challenges, which might come from interest groups as much as from owners. Don't appeal this judgement, but instead let us all review the issues together and work out a new piece of legislation. The judgement has acted as a catalyst for change on camping arrangements, giving us the flexibility that we all need to manage it sustainably. The agreements we're entering are a partnership with you. Can't we all be proud of that? Let's use this for the better, not revert to a failing system. Let's use it to work on our common aspiration – a healthy environment in a multi-user landscape – and look to present and future needs.”

A Member asked Mr Howell how many times his organisation had asked the Authority to ask for the map to be altered and what response he had received from Authority staff. Mr Howell advised that the Authority has been asked during 2020/21 during the initial stages of the Byelaws Review. Prior to that, a number of people has asked the question but a lack of interest from other groups to review and amend the map meant that no action took place. In response to a second question, Mr Howell advised that he was unaware of any concerted action by the group to contact the Authority to change the camping map; he added, however, that there may have been.

The fourth speaker, Mrs Annie Dare, read a statement that she had prepared as follows:

“Thank you. I wanted us to start by recalling the origins of our national parks. Because Dartmoor, this rugged expanse of uplands that we all love so dearly, in common with all of our national parks, owes its protection to the actions of ordinary members of the public who a century ago set out to protect and establish access to areas of natural beauty.

Our national parks were created both for nature conservation and for nature connection.

Over the years, since the 1932 Kinder Scout Trespass that sparked the national parks movement, use of our parks has risen. Expenditure on conservation and education on how to use these spaces well has not kept pace. We all know more must be done to increase knowledge of the countryside code and protection of Dartmoor's ecology.

But, rescinding our rights to wild camp is not the answer to instances of littering, or fly camping, or raves.

I first got involved in this campaign because I live on Dartmoor and because I have a seven year old son whose most fervent wish this Christmas was a new tent so that we could sleep under the stars in this amazing, rugged backyard of ours, as generations of young people have done before him.

And so when I learned about this case it felt acutely personal – that a freedom and a right was being snatched away from my son, my daughter, from my family.

But as time's gone on, I've realised it's about something much bigger. Bigger than wild camping. Bigger than this specific patch of soil. Because it's become clear to me that this issue goes to the heart of a deep injustice in this country, one that transcends age, and class, and race. And this is why it has touched and mobilised so many people; people who've never wild camped. People who've never even been to Dartmoor.

It has re-awoken a sense of being kept out and severed from the land. It's rekindled the same feelings of injustice that mobilised those first land activists who fought to establish our parks in the first place all those years ago. I think it's fair to say that it was really only when this court case broke, that the penny truly dropped, for thousands of people, up and down the country that those 70,000 acres of Dartmoor were literally the only fragment of land left in the whole of England and Wales where we could go to experience such a fundamental freedom as to sleep out, watch the sunset and rise again, on common land. With this court case, people woke up to that fact in their multitudes. These people want you, sitting here today at Parke, to act.

We saw over 3,000 people turn out last Saturday, on this issue. Everyone from babies to the really very elderly. Hippies, commoners, aristocracy; Landowners. Doctors. Conservationists. Staff of the national park. Not all wildcampers, but all utterly committed to the right to do so being upheld.

Martin Shaw, a local writer who spoke that day told me that he'd grown up on an estate on Torquay. He explained how crucial it was to him and everyone who grew up there to have Dartmoor, just a few miles away, to escape into, with its possibility of sleeping out for a night for free. 'This affects all of us,' he told me. And the nub of it truly is, not that when we woke up two weeks ago we had 70,000 acres to disappear onto, rather than the 50 or 60,000 that's left under the new deal. The nub of it is that we could go there without anyone's permission, without anybody's say-so. Because a right is SO different from a paid permissive deal. They are as chalk to cheese.

In my twenties, I spent every summer volunteering with Toynbee Hall, a social organisation that for two months a year took deeply socially excluded boys from Tower Hamlets on weeklong scouting camps to the Kent countryside.

The groups I went with were, in the acronym of the day NEET, not in education, employment or training. These young men were quite intimidating – having had to cope with incredibly challenging circumstances, from poor housing and health to caring responsibilities. For many it was the first time they'd been on holiday. Left London even. And guess what? As we hiked and slept under the stars, we saw these young men come alive. Drop their guard. Laugh. Open up. Saw them start to trust: us, each other and most of all, themselves. And we saw them build a new sense of belonging in an environment they'd never experienced before: the countryside! And alongside that, we saw the embers of hope and curiosity and wholeness glow. And when I think about the deal that is being presented here – touted as a welcome clarification - I'm reminded that we were only able to offer those young men that transformational lifeline, at Toynbee Hall, because the head of

children's services had wangled a deal with a friend in the marines who had some land he'd loan us. Great for as long as it lasted. But when that amazing chap died, about a decade ago, the land changed hands. And at that moment, the extraordinary gift that he'd given those young men slipped away, slipped into memory and history.

What side of history do you choose to stand on? We urge you to be courageous and to appeal.

Members had no questions for Mrs Dare.

The Chair advised that Mr Drysdale, Director of Conservation and Communities would read a statement from Mr and Mrs Darwall, as follows:

"It is perfectly understandable that people have been upset about the perceived threat to wild camping on Dartmoor. And it is very regrettable that this has caused unnecessary worry. But the truth is that there is no threat to access or true wild camping. Dartmoor is increasingly under pressure from fly campers, litter, raves and so on – a small number of people who spoil it for everyone. We want to keep Dartmoor unspoilt with the principle of leave no trace.

We also have legal and environmental responsibilities which we take seriously. We wanted improved cooperation and understanding with the Dartmoor National Park Authority. We are now in a much better place to cooperate and work with the DNPA in a positive way for the best outcome for everyone. We and other owners worked extremely quickly to get a plan and a map in place following the court ruling. We expect the final agreement to be finalised very soon so that organised camping like Ten Tors and Duke of Edinburgh's awards, and individual wild campers can continue.

There are two statements which help explain all this. The first is an excerpt from my witness statement as submitted to the court in September last year.

- *It shows clearly that there was no wish to restrict access*
- *It shows that there was no wish to end wild camping, organised or individual*
- *And it shows that we hoped to work with the DNPA and others.*

This is the statement we gave to the court in September 2022:

"It is simply untrue to say that my wife and I are seeking to restrict public access to Stall Moor: these proceedings will not affect the rights of walkers to walk and riders to ride, which are not in doubt. Nor are we seeking to bring an end to wild camping on Stall Moor, whether on an organised basis (for example, the "Ten Tors Challenge" or Duke of Edinburgh Award Scheme) or individually.

We believe that the need for landowner permission to camp is a vital safeguard and is a crucial element in improving practices.

Camping brings with it a set of problems (fires, litter, anti-social behaviour) which are not present to nearly the same extent as result of people exercising the right of access on foot or on horseback. This is no doubt the reason why in all other national parks and where public access is under the Countryside and Rights of Way Act 2000 camping requires permission from the landowner.

Camping, including wild camping, on the basis of landowner permission would, I believe, lead to better practices.

No doubt that would involve working with DNPA and others. Irresponsible behaviour associated with camping, including wild camping, is the biggest single problem for landowners, and, from the increase in recent years, it seems only likely to get worse.”

The second is the statement which we sent the BBC on Friday 20th January this year at their request. We are disappointed that the BBC chose not to report this in their extensive coverage of this matter. This statement shows clearly that we followed up very quickly on the promises we made in our September statement. i.e. we made it clear that there would be

- No attempt to restrict access;*
- and*
- Permission for wild camping on Stall moor granted through an agreement with the DNPA;*

It's all on the camping map.

This is our statement of 20th January 2023.

“Blachford Estate is pleased to have been able to work quickly and positively with other Owners on Dartmoor to permit wild ‘backpack’ camping on parts of its moorland. Blachford Estate believes the permissive agreement preserves and facilitates the spirit and ethos of genuine ‘backpack’ camping. Access is legally enshrined; we hope and expect that wild camping will always be available to all.

The High Court Case only ever sought clarity on the meaning of S10(1) of the Dartmoor Commons Act 1985. The Judgement clarified what the statute intended.

Wild camping is an amenity that Blachford Estate are happy to continue providing when undertaken responsibly. The permissive camping agreement that Blachford Estate has signalled it will be a part of, enables those who wish to enjoy and experience the rugged beauty, remoteness, challenge and health benefits of Dartmoor can do so within a suitable framework that can be easily, effectively and responsibly understood by users and managed by Dartmoor National Park Authority.

It is important for all Owners who have legally binding obligations under management agreements or statutory designations to protect archaeology, biodiversity and the environment and find the delicate balance for responsible management alongside access.

Blachford Estate is pleased to have found a way forward on this matter and will continue to work with Dartmoor National Park Authority (DNPA) through the Dartmoor Commons Owners' Association so that short duration backpack style camping can continue to be enjoyed on land as is now defined on the new DNPA Camping Map. "

We hope that this statement helps allay your concerns.

The Chair reported the end of the public participation element of the meeting. She advised that Members would discuss the substantive matter within Part I of the meeting, which would cover:

- (i) The permissive approach to backpack camping;
- (ii) Inclusion of common land owned by the National Park Authority on the new permissive map showing areas where you can back pack camp; and
- (iii) Implications of the High Court judgment for the review of byelaws

The Part I report presentation and debate would not include a discussion about legal process and whether to seek leave to appeal or not to appeal.

3478 Items Requiring Urgent Attention - Backpack Camping on the Commons of Dartmoor

Members received the report of the Chief Executive (National Park Officer) (NPA/23/007). He advised that it was important to distinguish between the phrases 'Backpack camping' or what has also been referred to as 'Wild Camping'. Backpack camping is the term used by the Authority to describe and emphasize the small scale nature of 'leave no trace' camping – all you need in order to camp for one or two nights in carried in your backpack. It is not the same as 'fly camping' which is the term that the Authority has used to describe illegal camping on Dartmoor. This type of camping has a detrimental effect on the environment and is often associated with antisocial behaviour. There is no place for fly camping within the National Park; the Authority has used its powers to the best of its ability to prevent fly camping.

There is a long tradition of backpack camping on the commons of Dartmoor. Section 10(1) of the Dartmoor Commons Act 1985 states that "*the public shall have a right of access on foot and on horseback for the purpose of open air recreation*". The Authority believed that backpack camping was included within the definition of open-air recreation and the National Park Byelaws provided a framework to manage this activity.

The High Court judgement, issued on 13 January 2023, clearly stated that Section 10(1) did not confer on the public any right to pitch tents or otherwise camp overnight on the Dartmoor Commons. The Authority must observe this judgement and is doing so. The effect of the judgement is to render the

previous system obsolete. Anyone wishing to backpack camp now has to seek the permission of the landowners and this raises questions for the public such as who owns the land they may wish to camp on, how to contact a landowner and how to identify that they are camping in the right place.

The judgment also raised wider questions, e.g., whether the landowners would actually grant permission, how they may charge for such permission and how they might enforce the ruling.

The Chief Executive (National Park Officer) advised that the Authority was presented with a choice – it could do nothing, step back and wait to see what individual landowners would do. Officers were of the opinion that this would not be in the best interests of the public; rather, they felt that it was important to contact the Dartmoor Commons Owners' Association (DCOA) to see if a new permissive approach towards backpack camping could be agreed, to enable the public to backpack camp in certain areas of the National Park without the need to seek permission from individual landowners. Officers also wanted to ensure that Ten Tors was secured and that Duke of Edinburgh participants could continue.

He asked that the minutes reflected that the Authority was very grateful to John Howell, the Chair of the DCOA, and Tom Stratton, the Secretary of the Association, for their leadership and proactive engagement in developing the permissive approach. Under this approach the landowners would grant permission to the Authority to allow the public to backpack camp on their land, through a permissive legal agreement. This, in turn, would allow the Authority to publicise areas where members of the public could backpack camp without having to seek the permission of individual landowners. This revised map is available on the Authority's website; it was launched on 19 January 2023.

The new permissive approach is Without Prejudice to any appeal that the National Park Authority may make.

The Chief Executive (National Park Officer) advised that paragraph 2.5 of his report outlined the permissive approach and sought to answer some of the key questions which were likely to be asked. The DCOA members have suggested a payment from the Authority to each landowner of £300 per annum. This would be a single payment, irrespective of the size of ownership, amount of common owned and number of commons within a landowner's ownership. It is anticipated that 20 owners will opt into the scheme which would, therefore, cost the Authority £6,000 per annum. These funds, for the 2023/24 financial year, would be taken from the Project Fund. The fees would have to be built in to the revenue budget going forward. Some of the landowners had indicated that they would donate their fee (or part thereof) to the Authority for works on conservation/access projects. The agreement would be for an initial three-year period, with a one year break clause written in for both sides. The agreement would be reviewed annually. The legal agreement was being drafted by DCOA and had yet to be agreed by the Authority.

The map produced and published on 19 January 2023 shows the areas where the public can backpack camp. The area is about 14% smaller than that prior to the judgement.

The Authority owns three areas of common land – Haytor, Plasterdown and part of Holne Common. Officers considered that Plasterdown was not suitable for backpack camping; Haytor was already a heavily used site, a honeypot area. However, officers did feel that some of the land at Holne would be suitable; this has been discussed with adjacent landowners and representatives of the commoners. Checks are being undertaken to see if there are any legal or practical reasons why the land at Holne could not be included on the map.

With regard to the Byelaws Review, Members were due to consider a revised set of Byelaws in February 2023; it is now recommended that this work is paused in order to allow officers sufficient time to consider the full implications of the High Court judgment.

In response to Member questions, the Chief Executive responded as follows:

- Trust – It is really important that the Authority can work in partnership with the DCOA, other landowners and all stakeholder groups. If Members were to determine to appeal this would not be because the Authority does not trust common owners or other landowners. Members will have an opportunity to discuss and determine any appeal in Part II. Trust is important on both sides; the Authority respects the private landowners within the National Park. He reminded Members that the National Park is not national in terms of land ownership -most of the National Park is in private ownership.
- Public participation – there has been, and continues to be a large amount of interest in this case, from individual members of the public, user groups etc. He took the opportunity to thank all of those who have taken the time to write to the Authority. He apologised that not all communications will get an individual response due to the volume received but wanted to reassure everyone that officers have read all correspondence and are considering all comments and views expressed. The Authority needs to take a reasoned approach that balances the views of all stakeholders including private landowners and is focused on National Park purposes and public interest.
- Member involvement – the Authority meeting today is an opportunity for Members to get involved. Officers are seeking Member endorsement of the permissive approach. The process is still being worked on. It was anticipated that the annual review of the proposed agreements would be a small scale exercise, requiring minimal staff time. It was not felt necessary for this to be brought back to the Authority on an annual basis. The power to permit backpack camping sits with the landowners. The proposed permissive approach outlined in the report is very different to the ‘rights-based’ approach that existed prior to the High Court judgment.
- Clarification re terminology – The Authority would prefer the term ‘backpack camping’ based on the ‘walk in, walk out, leave no trace’ ethic.

'Wild camping' was a term which has often been used to describe backpack camping but also has other connotations.

- Camping map – to be reviewed on an annual basis. Emphasis was made to the fact that it was down to the landowner(s) to add / remove land for permissive backpack camping.
- Precedent – might it affect other byelaws? – this is the reason for the recommendation to pause the byelaws review in order to obtain proper legal advice and guidance before moving forward.
- Fly Camping – this is an unauthorised activity, it has nothing at all to do with backpack camping. The Authority does not support it or condone it; we have taken action under the Dartmoor Commons Act 1985 to try and prevent it..
- Insurance – Under the new approach, the landowners would, in essence, be inviting people onto their land for backpack camping. This could potentially change the nature of the insurance risk; this needs to be worked up in detail. The Authority is currently awaiting a draft licence agreement which the DCOA has taken the lead in drafting. Once received, officers will be able to discern whether the insurance risk remained with the landowners or transferred to the Authority. If the latter was the case, the implications could be considerable.
- Licence fees to the landowner(s) – the approach that has been developed with the DCOA is for a flat rate fee payable to landowners which is non-negotiable. This fee may not be the only payment that landowners are in receipt of as many of them will be involved in Agri-environment schemes – often these schemes do not include payment for access. There is no provision with current agri-environment schemes or at present, the future environment land management scheme for payments related to backpack camping.
- Payments made – payments would be made to the landowner, not to a tenant or a commoner.

Mr Thomas proposed the recommendations, adding that had the Authority not acted as quickly as it had, there would be no permitted backpack camping anywhere on Dartmoor. Mr Thomas' proposal was seconded by Mr McInnes who added that he had been very impressed with the combined speed and collaboration between officers of the Authority and the DCOA. With regard to the question about Member engagement, he advised that the Chair had been involved from the beginning and was content that Members had been represented in this way.

Members further commented/requested as follows:

- A request that Members are advised of each important step with regard to such a large issue;
- This has so far been an excellent example of localism working – Authority staff, the DCOA and the public commended for the speed at which work was undertaken;
- Members should take careful and serious note of recommendation (ii) – it was important that officers carefully consider the availability of Authority owned land for backpack camping.

Mr Smerdon proposed, in the interests of transparency, that an addition to recommendations (i) and (ii) be made to include

“... authorise the Chief Executive (National Park Officer) in consultation with the Chair of the Authority ...”

This was seconded by Mrs Morgan and AGREED by the original proposer Mr Thomas, and seconder, Mr McInnes.

RESOLVED: Members:

- i. endorsed the permissive approach being developed and authorise the Chief Executive (National Park Officer), in consultation with the Chair of the Authority, to conclude the discussions and secure the agreements required within the parameters set by the Authority’s Scheme of Delegation;
- ii. authorise the Chief Executive (National Park Officer), in consultation with the Chair of the Authority, to determine appropriate areas of common land owned by the National Park Authority that might be included within the new system for backpack camping; and
- iii. agree that work on the review of byelaws is paused so the implications of the High Court judgment can be fully considered.

The Chief Executive (National Park Officer) stated that the Authority recognised that this case has generated considerable public interest and passion on all sides. Some of the comments that have been posted on social media about Mr and Mrs Darwall are personal and a personal attack on them. This is not something that the Authority condones or supports in any shape or form. It is very important, in this case, that respect is shown to all parties. We may have a different viewpoint, we may not all agree with each other but we need to remain civil, keep talking to each other and remain respectful.

The Chair commended the comments of the Chief Executive (National Park Officer) on behalf of all Members.

It was duly proposed by Mr Sanders, seconded by Mr Harper and AGREED by Members that, in accordance with s.100A of the Local Government Act 1972 as amended, the following Agenda item is taken in the absence of the Press and Public, on the grounds that exempt information within the meaning of Part I Paragraph 1 & 2 to Schedule 12A of the 1972 Act (as amended) will be discussed, namely:-

1. *Information relating to the financial or business affairs of any particular person (including the Authority).*

3479 High Court Judgment pertaining to Section 10(1) of the Dartmoor Commons Act 1985

Members received the report of the Chief Executive (National Park Officer) (NPA/23/006).

RESOLVED: Members:

- i. Authorised the Chief Executive (National Park Officer) to instruct our legal advisers to seek permission to appeal the High Court judgment issued on 13 January 2023 concerning the above claim; and
- ii. Noted that should permission to appeal be granted the Authority will receive an update report seeking a decision on whether to pursue the appeal.

DRAFT