

Response to Consultation on proposed revision to Dartmoor National Park Byelaws

A. Introduction and background

The Ramblers welcome this opportunity to comment on the proposed revisions to the National Park byelaws. This response is sent by the Devon Area of The Ramblers.

The Ramblers is the largest walking community in the country with around 100,000 members. In Devon we have 2600 members in twelve local groups. All of the Groups will have walks on Dartmoor and members, both in the Groups and as individuals, will walk on Dartmoor on a regular basis.

The Ramblers is a charity whose goal is to protect the ability of people to enjoy the sense of freedom and benefits that come from being outdoors on foot.

We are an association of people and groups who come together to both enjoy walking and other outdoor pursuits and also to ensure that we protect and expand the infrastructure and places people go walking.

We also protect the places people go walking. We believe in protecting people's ability to enjoy the intrinsic values of nature and so we will defend the countryside and urban green spaces. To avoid unnecessary duplication of effort with other charities we mainly do this through effective participation in wider coalitions and by work within local communities to oppose developments which are considered to be inappropriate.

The Ramblers are fully conversant with the two statutory purposes of National Park designation as enshrined and amended by the legislation, namely:

- (1) *“of conserving and enhancing the natural beauty, wildlife and cultural heritage of the (Dartmoor National Park) area”.*

(2) *“of promoting opportunities for the understanding and enjoyment of the special qualities of the (Dartmoor National Park) area by the public”.*

B. Our position on the byelaw proposals

The existing byelaws being 35 years old are clearly in need of updating and modernisation as the world has changed, visitor numbers will continue to increase and there are new activities which have an impact, such as drones.

We welcome this 6 week consultation period and note that there is a further 6 week period following this initial consultation, before the proposed byelaws are sent to DEFRA for confirmation. How long DEFRA will take is uncertain but obviously the whole process is not a speedy one.

We have concerns over the consultation process, and the use of a Survey monkey / mail chimp exercise, rather than formal submissions being required. We suggest that use of mail chimp is not appropriate. It may be an expedient tool to encourage responses from the public as individuals but the questions do tend to encourage yes / no answers and lead to the answers you require. It does not encourage fully considered responses. Neither does it readily permit the author to keep a record of what has been said in the response.

The DNPA and its Members should recognise that most visitors to the national park behave responsibly. It is important that the actions of a small minority do not disproportionately affect the ability of most visitors who come to enjoy the National Park, in accordance with its key principles as set out in legislation.

We would question whether changing the byelaws will change the behaviour of the minority who are responsible for the anti-social behaviour.

The success of any changes to the byelaws will depend upon whether the DNPA has the resources, in terms of Rangers, to monitor and identify breaches, to educate and advise people where there are problems or, where this fails, to have the time to escalate an incident for enforcement action. We would suspect the DNPA will continue to struggle to have the necessary resources to enforce the existing or the amended byelaws. We also have respect for the Rangers, their common-sense approach and would not like to see them being turned into jobs worth staff and giving the public the perception that ‘Dartmoor Says No’.

Given the very strong public reaction to this consultation, we suggest that DNPA review the proposals before proceeding further with the introduction of byelaws which it may not have the full resources to enforce.

We agree that for reasons of clarity and consistency the same byelaws should apply to all access land within the National Park, irrespective of whether the access is under the Dartmoor Commons Act 1985 or the Countryside and Rights of Way Act 2000 (CRoW). The byelaws should be consistent with and no more onerous than the restrictions imposed by CRoW, specifically the restrictions in Schedule 2 to CRoW.

We are aware that Section 17 of CRoW allows the Park Authority to make byelaws but the financial penalties proposed in Byelaw 24 are greater than under CRoW. It is Ramblers understanding that, in the absence of any more rigorous byelaw, a breach of any of the Restrictions in Schedule 2 of CRoW negates the right of access under CRoW and makes the “offender” a trespasser. This is a civil offence against the landowner, not a criminal act. By way of contrast, we comment that whilst a breach of Section 14 of CRoW imposes a financial penalty, a breach of the restrictions in Schedule 2 does not, in the absence of Regulations that

“criminalise” such a breach. We suggest that making byelaws that criminalise such acts may not be in the spirit of CROW nor what Parliament intended.

DNPA will be aware of the proposals in the Glover Report, published some 2 years ago. The Government has not yet fully addressed the recommendations contained in that report. The report included recommendations giving a high priority to ‘nature recovery’ and the management of important landscapes to improve biodiversity, and to provide public benefits, in terms of public access, clean water, climate change and carbon storage. The Glover Report recognised that public access was going to increase and that our national landscapes should look at greater opportunities to visit these special places and more diversity in visitors is to be encouraged. One of the recommendations is for each child to spend a night under the stars. The future of National Park Authorities themselves is also addressed in the Glover Report.

Since March 2020 we have been living in very challenging times with the arrival of Covid19 and the need to introduce restrictive lockdowns. As lockdowns restrictions were eased and a freedom to travel around the country returned, Dartmoor was not the only place affected by the increase in visitor numbers and a high level of anti-social behaviour. Whilst increased visitor numbers are welcome to support local economies, anti-social behaviour is unwelcome and Ramblers along with all other responsible people and organisations regard it as unacceptable. We also regret anti-social behaviour which was increasing before the Covid19 epidemic. However, more recently there seems to be a trend towards a degree of normality and there has not been the reporting locally of as much inappropriate visitor activity.

In these changing and uncertain times Ramblers would not want to see the introduction of more rigorous byelaws as a knee-jerk reaction to the extraordinary circumstances of the pandemic lockdowns.

The Ramblers considers that it would be better at this time to focus on a more effective enforcement of the current byelaws rather than to seek changes.

C. Comments on Proposed Byelaws

Our comments on individual proposed byelaws follows; we address only those byelaws where we have a comment to make.

5. Parking

We welcome an appropriate restriction on overnight sleeping in vehicles and appreciate that there has been an increase in this activity which had started before the Covid19 outbreak. It has been suggested that the national park should consider allowing overnight stays at some sites with appropriate facilities, to be pre booked online and a fee to be paid which could be put to Donate for Dartmoor. It should look at means, like social media, website, to guide visitors to book and plan and modify their behaviour before they arrive.

It is welcome that the byelaw will seek to address the issue of inappropriate parking on verges and the obstruction of gateways, which impact on residents and farming activities. We would like to see DNPA welcoming visitors, and signposting them towards appropriate facilities, rather than focusing on penalising them for making poorly informed choices.

We suggest that clause (iii) needs revision as, as currently written, it prevents anyone for example, just sitting in a vehicle observing the night sky or resting or eating fish and chips on their way home from an evening at work. Not least the hours should be less restrictive, perhaps 12.00 midnight to 06.00 am.

7. Camping

We have significant concern over the proposals here as it departs from the tradition of wild camping hitherto tolerated on Dartmoor. We make the point that the proliferation of “camping” that took place on Riddon Ridge and elsewhere on Dartmoor in the Summer of 2020 was not “wild camping” in the traditional sense. Despite this clear breach of the Dartmoor byelaws then in place we understand no prosecutions were made. With good reason one might ask “*Why not ?*” It is inequitable that the proliferation of irresponsible camping that took place in Summer 2020 is used as apparent reason by the Park Authority to “outlaw” future responsible wild camping. Accordingly we have to object to byelaw 7 as currently written. Without departing from the generality of our objection, specific grounds of objection are :

In clause (i) We question the limitation of “tents that sleep no more than 3 persons” as modern lightweight back packing tents or a storm shelter can accommodate more than this number.

We cannot accept the Camping Map in Clause (iii) in the absence of full reasons and explanation of why particular areas have been excluded. Where there has been no prosecution under the existing byelaws for camping at a specific location we see no reason for that location to be excluded.

We do not accept that any future amendment to the Camping Map can take place without full reasons being made public and the changes being subject to public consultation.

9. Fires

We note what is proposed here; we note there has been a proliferation of visually intrusive signs in recent times warning of the risk of fire. We question how effective these signs are in changing the habits of visitors who do not fully understand the risks.

The reference in clause (v) to the use of flares may need revision. The Rescue groups may use a flare to indicate to a rescue helicopter the location of a casualty or the location of the rescue team.

10. Dogs

We welcome this change; the restriction between 1 March and 31 July is consistent with the CRoW restriction. We note there is no reference to the clearing up of dog mess; it is assumed this is adequately covered by other legislation.

15. Damage to land

The reference in Clause (i) to climb any wall or fence needs revision. It is legitimate under the CRoW Act to climb a wall or fence to gain access to CRoW Access land provided no damage is done.

18. Recreational Activities

We object most strongly to this byelaw. DNPA will be fully aware that there is no requirement for anyone, whether as an individual or in a group of any number (whether it is 2 or 50 or more) to seek landowner permission to enter access land or to use a public right of way for legitimate recreational purposes. It is contrary to the spirit and intention of public

access legislation as well as being unduly onerous and impracticable. Not all land ownership is registered at Land Registry and this is particularly so with areas of open moorland where change of ownership is infrequent or does not occur. This byelaw as proposed is in stark contrast to the hitherto voluntary Recreational Code.

As proposed, a group of 51 walkers doing a 10 mile walk across Dartmoor would have to seek permission from all landowners along the 10 mile route. This is as impracticable as it ridiculous and absurd.

23. Rangers

In clause (iv) we suggest the substitution of “reasonable request” for “an instruction”.

24. Penalty

We accept that byelaws without some form of penalty, financial or otherwise, become meaningless but please see our earlier comments in Section C regarding the “penalties” for breach of the CRoW Restrictions.

D. Conclusion

This response from Ramblers (Devon Area) is the result of much consideration and collaboration by officers of the Devon Ramblers Area Council and Ramblers Central Office Staff. If it would be helpful, we are prepared to meet DNPA officers to discuss our comments at any convenient time.