

Hemyock Parish Council Meeting
held in the Forbes Lounge at 6.30pm on 14th March 2013

Subject	Action
<p>1. <u>Present</u> Mrs H Stallard (Chair), Mr I McCulloch, Mr R Brooke, Mr R Calcraft, Mr S Clist, Mr J Edwards, Mr S Major, Mr L Povah, Mrs D Evans (Parish Clerk), and 14 members of the public. <u>Apologies</u> Mr T Barton (away) and Mr R Hart (ill)</p>	
<p>2. <u>Public Questions</u> The following comments were made:-</p> <p>2.1 Hemyock Common used to be a wilderness and the public were unable to access it until the Gun Club started to use it.</p> <p>2.2 The council needs to ensure it is satisfied with any risk assessments if it allows shooting to continue on the commons. It is unnecessary to grant lifetime guarantees to certain groups to use the commons.</p> <p>2.3 The following statement from Mr Nick Moon was read out:- We have already expressed our interest to the council with regards to syndicate game shooting on Hemyock and Shuttleton Commons. We would like to submit this supportive statement to be considered with any following discussion by the council members before a decision is made.</p> <p>As previously stated I have personally been shooting and beating on this land for 35 years and my family has also been for 4 generations since 1932, this has been done with an unspoken agreement/ approval from the Council and no objection or complaint has arisen in all the 71 years until now.</p> <p>We release approximately 1000 pheasants into our area which otherwise would not be there as they are not native birds and are not able to maintain their own reproduction in the wild due to vermin, etc. We are sure all locals appreciate seeing these beautiful birds running free, also giving consideration to the abundant number of small wild birds which also feed from the pheasant feeders throughout the winter. Our philosophy has and always will be safety.</p> <p>Following the meeting held on the 5 March with Richard Thomas from Natural England we have completed a Risk Assessment for the Commons which Mr Thomas has seen. At the meeting Mr Thomas felt that the activities that have been taking place were perfectly reasonable and felt that there should be no reason for them not to continue safely. In view of a recent complaint he felt it would be sensible to proceed with an application to Natural England to apply restrictions on the Commons for the 10 days we shoot a year. In effect this would only be for a few hours as the "Drive" on each Common takes approximately half an hour. Mr Thomas has agreed if the Parish Council approve this proposal to generate the necessary posters that would be needed to be displayed at the entrance of the Commons whilst beating and shooting takes place.</p> <p>If you would like to discuss any part of this statement I will be happy to answer any questions. Thank you for your consideration.</p> <p>2.4 The following statement from another member of the public was read out:- Concerns regarding shooting on the Parish Commons</p> <ol style="list-style-type: none"> 1. Should shooting be considered to be allowed to continue in any form? 2. All proposed motions are assuming that shooting will continue. This needs to be proposed and carried forward for voting before any further motions are considered. 	

3. Clay shoots and rough shoots are two very different activities with different safety issues and need to be discussed separately.
4. Leasing of sporting rights – again this has not been discussed. This also needs to be proposed and carried forward for voting before any further consideration.
5. With regard to the Countryside and Rights of Way (CROW) Act 2000, the Natural Environment and Rural Communities (NERC) Act 2006 and contamination issues, should the Clay Shoots continue? This activity is not exclusive to this site. The Gun Club has many members and some of these are prominent land owners. Could it be relocated to private land?
6. Motion for Rough Shoot to Mr N Moon is considered to have priority in any application to the Council due to having had access for shooting on the Commons over a substantial period of years. This shooting has been unlawful (as per PC Howley) and as such should not be a consideration for a reason for leasing rights or for giving priority for future consideration. Councillor Clist re-iterated that the Shooting Syndicate predominantly shoot over Mr Moon's land. Therefore is it absolutely necessary to bring the syndicate onto public land? If I had driven at 40mph in a 30mph zone for the last 35 years would I be able to expect to have the right to continue to do so. No I wouldn't.
7. The question was asked at the meeting with Natural England 'What has changed, we have always done this?' The answer being – legislation has changed and the Parish Council have either not been aware or have chosen to ignore it.

Open Access

- The commons are public open access and should be respected as such.
- Public Safety needs to be protected with regard to firearms.
- Parish Council must address their liabilities with regard to the public and firearms.
- Formal Public Access Restrictions necessary to protect the above
- Is it reasonable to restrict public access to open access land for 25 or more weekend dates per year? The intention behind the CROW Act is to facilitate access whilst protecting land management interests. At times when the demand for access is likely to be greatest, Parliament decided that use of discretionary restrictions should be limited to no more than 4 weekend days per calendar year (including on any Saturday between 1 June and 11 August or on any Sunday between 1 June and 30 September) or on any Bank Holidays. Have the Parish Council fully considered that they are giving enough consideration to the public wishing to use the commons, by going against Parliamentary guidance for weekend use.
- The CROW Act 2000 has restrictions to members of the public who wish to use open access land for an unlawful use. These are listed in Schedule 2 of the Act. They include amongst others; drives or rides any vehicle, intentionally or recklessly takes, kills, injures or disturbs any animal or bird, intentionally removes, damages or destroys any plant, shrub, tree or root or any part of a plant, shrub, tree or root, putting up signs, lights or tends a fire or does any act which is likely to cause a fire, engages in any operations of or connected with hunting or shooting or has with him any engine, instrument or apparatus used for hunting or shooting, commits any criminal offence, in relation to any lawful activity which persons are engaging in or are about to engage in on that or adjoining land, does anything which is intended by him to have the effect of intimidating those persons so as to deter them or any of them from engaging in that activity or disturbs, annoys or obstructs any persons engaged in a lawful activity on the land.

- If the Parish Council consider permitting the Clay Shoots to continue or to give permission for the rough shooting, why do they consider it appropriate to allow parties to engage in the activities in the Schedule 2 restrictions that prohibit all other members of the public from participating in. These restrictions are an important part of the CROW Act intended to protect public safety and lawful enjoyment, whilst protecting the land and the biodiversity it supports. How can the Parish Council as landowners justify their disregard for the CROW Act restrictions guidance and their duties under the NERC Act? Why are the council giving priority to organisations which are clearly having a damaging and detrimental effect on the commons and their wildlife, when they have a duty under parliamentary legislation to protect, conserve and enhance biodiversity?

Biodiversity and Land Contamination

- The Parish Commons are County Wildlife Sites designated for their importance to biodiversity being areas of wet/dry lowland heath (springline mire) – habitats which are rare and in decline and in desperate need of protection.
- Why does the Parish Council consider it acceptable to allow the disturbance and killing of wildlife through rough shooting on County Wildlife Sites?
- Clay Shoots are depositing tonnes of hazardous carcinogenic substances including lead shot and coal tar/petrol pitch from the clay targets on the land. Limestone incorporated within the clay targets could also be affecting the pH levels of the soil. What measures are the council going to take to reduce the current and future contamination caused by the Clay Shoots activities?
- Coal tars are highly flammable and corrosive. Their vapours can form explosive mixtures with air. They contain Polycyclic aromatic hydrocarbons (PAHs) and toxic gases are released when they burn. Toxic fumes are also released when lead is burned. Therefore is swaling an acceptable method of land management on the areas littered with broken clay targets and lead shot?
- Contamination will be increasing with each shoot. Are the Council prepared to accept this?
- In addition there is a huge mound of burnt cartridges left on site – previously burnt along with other waste on site at the end of each days shoot. The Countryside Code states ‘Leave no trace of your visit and take your litter home.’ This has clearly not been the case.
- Area sits above major aquifer – water from Hemyock Common flows through Lickham which supplies many private water supplies and continues on to Hemyock
- Existing land management practices have not been effective and have resulted in a decline of the site since the first report in 1990. Hemyock Common is now considered by Devon Biodiversity Records Centre (DBRC) not to be in positive management and in a red status of alert. They recommend summer grazing as the most effective form of restorative long-term land management, but this is prevented by the presence of the Gun Club. Therefore the clay shoot is not only contaminating the land and having a detrimental effect on the common, but is preventing the possibility of a conservation land management plan that would bring the common back into positive management.
- Blackdown Hills AONB, County Ecology Department at DCC, Devon Wildlife Trust County Wildlife Sites Office and Devon Biodiversity Records Centre are currently focusing their efforts on bringing red status County Wildlife Sites back into positive management. Devon Wildlife Trust and Blackdown Hills AONB have expressed their

interest to take on the management of the commons, possibly with grazing projects, but this would not be compatible with shooting activities on site.

- Swaling has been carried out on the same areas of the common that the Gun Club use year on year. This is more damaging than beneficial.
- Cutting of the same areas used by the Gun Club has been carried out several times, year on year before the recommended date of the end of July, to allow plants to flower and set seed and to protect ground nesting birds. Again this is more damaging than beneficial.
- Natural Environment and Rural Communities (NERC) Act Relevant authorities, parish and district councils have a legal duty and responsibility to protect biodiversity in their decision making and ensure that their decisions will protect, conserve and enhance biodiversity on their land. - How can the Parish Council demonstrate that this can be achieved if these activities are permitted to continue?

Structures on Hemyock Common

- All structures on the common are unlawful – none have permission from district planning or the Secretary of State Planning Inspectorate which is a legal requirement for landowners of Common Land who wish to erect any structure on a registered common.
- Gun Club have not sought permission from the Parish Council for any of their structures to remain on site permanently.
- Is the Parish Council satisfied that all the structures are safe for public access? Liability falls with the Parish Council as landowners.
- Portacabin has a gas line. Are there gas canisters stored on site? Is a Gas safety certificate required? This could present a fire risk/public safety issue.
- Are the Council satisfied that all risks have been assessed?

We first raised concerns with individual members of the Parish Council and the Council as a whole going back as long as two years ago. Due to a lack of interest, concern or respect for our views, coupled with misleading and inadequate replies, we have had to make further enquiries with relevant authorities ourselves. This has unveiled a host of actions not taken by the Parish Council which is deeply worrying that members of the public need to bring these matters to your attention. In this day and age it is not acceptable that things have always been done the same way for years on such an informal basis. The Council have a responsibility to the public and to themselves to monitor any activities on their land and to keep up-to-date with current legislation. We would like it recorded that those Councillors that vote for the shooting activities to continue are fully aware and personally accept the responsibilities and liabilities that come with this decision especially regarding contamination issues that may arise.

3. Shooting on the Commons

The following motions were considered

3.1 PROPOSAL

Hemyock Parish Council agrees that written permission for shooting on its Commons may be granted, subject to such controls and agreements that may be required by The Council from time to time, to organisations or groups requesting this permission, by written application to The Council. (Those organisations or groups [e.g. Culm Vale Gun Club and Rough Shooting Syndicate - N. Moon] having existing permission for shooting, whether verbal or written, or access for shooting on the Commons over a substantial period of years are deemed to have priority in any application to the Council).

PROPOSED: Mr McCulloch

SECONDED: Mr Clist

The following amendment to the motion was proposed

3.1.1 Hemyock Parish Council agrees that written permission for shooting on its Commons may be granted to organisations or groups requesting this permission by written application to The Council subject to such controls and agreements that may be advised by The Commons Management Group which shall be composed of all interested parties subject to adequate prior publicity and consultation to enable parishioners to take part if they so wish. The Commons Management Group will advise the Parish Council periodically (period to be decided) as to what controls and agreements should govern activities on the Commons and also on all work necessary to ensure the wellbeing of the Commons. (Those organisations or groups [e.g. Culm Vale Gun Club and Rough Shooting Syndicate - N. Moon] having existing permission for shooting, whether verbal or written, or access for shooting on the Commons over a substantial period of years are deemed to have priority in any application to the Council).

PROPOSED: Mr Povah

SECONDED: Mr Major

DECISION: failed. 5 against, 2 in favour

The following amendment to the motion was proposed

3.1.2 Hemyock Parish Council agrees that written permission for restricted activities on its Commons may be granted, subject to such controls and agreements that may be required by The Council from time to time, to organisations or groups requesting this permission, by written application to The Council. Hemyock Parish Council agrees to create a Commons Management Group, which shall be composed of all interested parties subject to adequate prior publicity and consultation to enable parishioners to take part if they so wish. The Commons Management Group will advise the Parish Council periodically (period to be decided) as to what controls and agreements should govern activities on the Commons and also all work necessary to ensure the wellbeing of the Commons. (Those organisations or groups [eg Culm Vale Gun Club and Rough Shooting Syndicate - N. Moon] having existing permission for shooting whether verbal or written or access for shooting on the Commons over a substantial period of years are deemed to have priority in any application to the Council).

PROPOSED: Mr McCulloch

SECONDED: Mrs Stallard

DECISION: Mr McCulloch subsequently withdrew his motion.

The following amendment to the motion was proposed

3.1.3 Hemyock Parish Council agrees that written permission for restrictive activities on its Commons may be granted, subject to such controls and agreements that may be required by The Council from time to time, to organisations or groups requesting this permission by written application to The Council. (Those organisations or groups [e.g. Culm Vale Gun Club and Rough Shooting Syndicate - N. Moon] having existing permission for shooting, whether verbal or written, or access for shooting on the Commons over a substantial period of years are deemed to have priority in any application to the Council).

PROPOSED: Mr McCulloch

SECONDED: Mrs Stallard

DECISION: amendment passed.

The council then voted on the new substantive motion

3.1.4 Hemyock Parish Council agrees that written permission for restrictive activities on its Commons may be granted, subject to such controls and agreements that may be required by The Council from time to time, to organisations or groups requesting this permission by written application to The Council. (Those organisations or groups [e.g. Culm Vale Gun Club and Rough Shooting Syndicate - N. Moon] having existing permission for shooting, whether verbal or written, or access for shooting on the Commons over a substantial period of years are deemed to have priority in any application to the Council).

PROPOSED: Mr McCulloch

SECONDED: Mr Clist

DECISION: passed. 7 in favour, 1 abstention

3.2 **PROPOSAL**

That use of Discretionary Powers under S22, Countryside and Rights of Way Act 2000, is agreed by Council for 4 days in March and April 2013. This will allow Culm Vale Gun Club to use Hemyock Common (Turbary) for clay shooting on 16th & 30th March and 13th & 27th April 2013, prior to any restriction application to Natural England agreed by The Council.

PROPOSED: Mr McCulloch

SECONDED: Mr Clist

DECISION: passed. All voted in favour.

3.3 **PROPOSAL**

Hemyock Parish Council agrees to apply to Natural England for restrictions under the Act permitting continued use of Hemyock Common (Turbary) for clay shooting by Culm Vale Gun Club and restricting public access on grounds of public safety and disruption when shooting is in progress on given dates. These dates to be published annually in advance x months before commencement of shooting by Culm Vale Gun Club. (Full details to be agreed with both parties subject to grant of restrictions by Natural England and in advance of commencement of shooting)

PROPOSED: Mr McCulloch

SECONDED: Mr Clist

DECISION: passed. 7 in favour, 1 abstention.

3.4 **PROPOSAL**

Hemyock Parish Council agrees to apply to Natural England for restrictions under the Act permitting continued use of Hemyock Common (Turbary) for rough shooting by the Rough Shooting Syndicate and restricting public access on grounds of public safety and disruption. Dates and times to be published annually in advance, x months before commencement of shooting by the Rough Shooting Syndicate. (Full details to be agreed with both parties subject to grant of restrictions by Natural England and in advance of commencement of shooting)

PROPOSED: Mr McCulloch

SECONDED: Mr Clist

DECISION: passed. 7 in favour, 1 abstention.

3.5 **PROPOSAL**

Hemyock Parish Council agrees to apply to Natural England for restrictions under the Act permitting continued use of Shuttleton Common for rough shooting by the Rough Shooting Syndicate and restricting public access on grounds of public safety and disruption. Dates and times to be published annually in advance, x months before commencement of shooting by the Rough Shooting Syndicate. (Full details to be agreed with both parties subject to grant of restrictions by Natural England and in advance of commencement of shooting)

PROPOSED: Mr McCulloch
SECONDED: Mr Clist
DECISION: passed. 7 in favour, 1 abstention.

Mr Povah abstained from voting not because he objects to shooting on the commons but due to lack of clarity reference the role and responsibilities of the Commons Management Group.

Clerk will mention in the Pump article the Commons Management Group and ask for interested parties to contact her.

24. Date of the Next Full Council Meeting. Wednesday 3rd April 2013 at 7.30pm Forbes Lounge

Meeting closed at 7.45pm

Signed.....*Date*.....