

**FOURTH NATIONAL SEMINAR
ON
COMMON LAND AND VILLAGE GREENS**

*PROCEEDINGS OF THE CONFERENCE
9 SEPTEMBER 2003*

*Edited
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Introduction

What an interesting seminar we had back in September - there certainly was a great deal to talk about since the previous one held in 2001. The publication by Defra of their Policy Statement in 2002, the report by the Stakeholder Working Group and the subsequent Defra consultation paper on the agricultural use and management of common land in 2003, have all contributed in promoting common land and village greens up the national agenda.

Indeed, the publication of the consultation document in August provided a late boost to the overall numbers at the conference and helped produce some very lively discussions on a variety of issues during and between sessions. The discussions in the first Upland Workshop were so good that they have been formally submitted to Defra as a response to the chapter on Commons Associations. My recollection is that the discussions were constructive and the interaction excellent but there seemed to be a sense of uncertainty or perhaps anticipation as to what might happen next.

The Queen's Speech came out in November, but the lack of any reference to commons legislation is not a cause for concern as the process is such that it will not come before the next session of Parliament. Those of us with a keen interest should hear about the Government's intention in the next few weeks and the preparations for any legislation begin. The amount of time available to Parliament is clearly a key issue as it will determine how much can be included in any proposals. If the drafting allows us to tackle all the really crucial issues then the next year will be very busy indeed. If not, then it seems that there will not be another opportunity for four or five years. However, it is important that the legislation developed is right so it is constructive and will assist those of us concerned with managing some of the most sensitive social, environmental and cultural areas of land in England and Wales.

I hope you will find these proceedings a true record of the event back in September and a useful source of reference for the future.

I am grateful to all those who contributed towards the seminar, whether through attendance or by speaking in the morning session or facilitating an afternoon workshop. In particular I would like to thank the Countryside Agency and the Countryside Council for Wales who provided funding to enable us to offer sponsored places to those who might not otherwise have been able to attend. The Countryside Council for Wales also supported the production of these proceedings.

It has been decided that it would be too soon to hold a seminar in 2004 but it is anticipated that there will be one in 2005.

Christopher Short

Seminar Convener
Senior Research Fellow, Countryside and Community Research Unit,
University of Gloucestershire

TAKING THE LONG VIEW: EXPERIENCE OF COMMON LAND AND VILLAGE GREENS

**Jo BURGON,
HEAD OF ACCESS AND RECREATION, THE NATIONAL TRUST**

Thank you for the opportunity to share a few thoughts on the future of commons at this particular juncture in their long, convoluted, complex and fascinating history. I do this with a good deal of humility - so much has been written and debated over many years about the future of commons, and not a little concern, as we all have our differing visions for the future protection of commons, which are at times not surprisingly at odds with each other.

These are my thoughts. I am not laying out the views or positions of the National Trust. I have drawn on some of the work I have been involved with over the last few years with an organisation that has its roots grounded in the 19th century 'battles' for the prevention of enclosure and the securing of a public good on common land.

- *The National Trust Acts place particular duties and obligations on the organisation in respect of commons: namely to 'keep such property unenclosed and unbuilt on as open spaces for the recreation and enjoyment of the public' (National Trust Act 1907 sec. 29(a)). This duty was further extended (National Trust Act 1971 sec. 23) to provide or improve opportunities for the enjoyment of commons by the public.*

I found my recent involvement with the *Stakeholder Working Group on the Agricultural Use and Management of Common Land* a thought provoking and challenging one. So many different interests to consider. The pathways to reconciliation are often tortuous and many are still to be found. Nevertheless consensus was reached in many areas and I sincerely hope this bodes well for the next phases of progressing new legislation for commons – Government commitment willing.

I have tried to think ahead 50 years to September 9th 2053 – not that far in terms of the history of commons. What will commons be like then? How will they be managed? What will be the same? What will be different?

- *'Few people in this overcrowded country have not some favourite heath or common or moor to which they retire when they need solitude, or unpolluted fresh air, the glimpse of wildlife like the raven and the buzzard or the sound of water falling over stones. It may be the wild uplands of the Pennines or of the Radnor Forest in mid-Wales, the undulating lowland beauty of the New Forest at any season of the year, or, at least, the open heaths of Wimbledon and Hampstead where even the grey, jaded Londoner obtains illusion of peace and relative quiet for an hour or two'.*

Source: WG Hoskins – The Common Lands of England and Wales (New Naturalist series) 1963

If Hoskins returned to his favourite common now 40 years on, or even 50 years from now, how would he describe the scene before him?

It is still possible to find especially on commons some semblance of solitude and remoteness even though for example noise and light pollution levels have increased significantly since 1963.

We have certainly seen a reduction in the lowlands of grazing as rights are no longer exercised, farming activity has declined; but equally our knowledge and understanding of the wildlife significance of sites has increased enormously. The challenge is now to find ways of often reinstating grazing as a key management tool to manage nature conservation interests and to keep commons open and accessible. The wildlife value of a common is a public good – and the public must have access to it.

- *The Royal Commission on Common Land (1955-58) estimated that across England 150,000 acres was primarily used for recreation and 1.2 million acres primarily for grazing. How much has changed over the last 50 years?*

By 2053 all SSSIs will be in favourable condition; some will have been redesignated as the impacts of climate change takes effect – their wildlife interest diminished/changed through changes to vegetation or flooding or land loss to the sea.

- *833 commons in England covering 180,000 hectares (50% of all commons) are designated SSSI.*

In the uplands the grazing levels have often been too high from a nature conservation and carrying capacity perspective. The changes to CAP will bring benefit to the better environmental management of upland commons where these commons are still very much part of the agricultural economy. But in 2053 upland commons may well be in the same boat as lowland commons. How important will be the grazing animal then as management tool for an area of land that has been agriculturally abandoned?

- *30% of commons in England are within ESAs*
- *In 1998 grazing pressure accounted for 87% of damage to SSSIs across the whole of England. Source: English Nature – Common Land unravelling the mysteries*

The right of access on foot to open country and registered common land will have been in place 48 years. All the fears and concerns will have subsided and an effective management regime will be in place. Farmers will be benefiting financially from access through being paid to manage this aspect of the public good – all rights of way and the infrastructure will be in tip top condition and accessible for all. However these areas will have become significant recreational spaces and managing recreational capacity will be challenging – the qualities of remoteness and solitude associated with commons will be under continual threat.

On the legal side all the registration issues will have been resolved and rights properly registered. The operation of live registers will be the norm. This will enable an accurate record and reflection of how commoners exercise their rights to be kept and help secure effective collective responsibility for the better management of commons.

- *2000 unclaimed commons (4000 hectares) in England; 500 (21,000 hectares) in Wales*
Source: Common Land Policy Statement 2002 DEFRA

Constituted commons associations will be in place where commons continue to be an important part of the agricultural economy but they will be managing both the interests of commoners and the public good associated with each common. These associations will be accountable and have the support of the local authority. Their funding will come from a

variety of sources: for example, from the agricultural/environmental payment structure of the time so that they are able to manage private interests and public good in an integrated and effective manner.

Elsewhere, where representations of private interests are no longer part of the commons management regime local authorities and organisations such as the National Trust will continue to ensure that the amenity, conservation value and public benefit are secured in perpetuity. Both these routes should still seek to ensure the balance between 'private interests in the land' and 'benefit of the neighbourhood'.

The customs and traditions associated with commons and village greens will still be in existence and celebrated. The significance and value of commons as undeveloped areas of land in and around urban areas will have increased substantially as new developments have occurred around them. Pressures on their use will have grown but the mechanisms to manage them will be in place to deal with them. The public interest in them will have grown as their recreational benefit becomes increasingly recognised.

- *25% of the National Trust's land in England and Wales is common. Membership of the National Trust by 2053 will be 8 million (Based on current predictions and targets).*
- *Stints, turbary, pannage and estovers will still be terms used by our children and grandchildren as these rights will still be exercised somewhere.*

With the arrival of the right of access a new and truer meaning for common land has emerged. The 19th century battles fought by the likes of John Stuart Mill have been won—who it is for, how it is managed – a fascinating mix of private interests – the commoners and now the secured public good of a right of access on foot over all common land.

Will there be new commons? Land areas secured for 21st century and beyond purposes where modern needs and rights can be established and exercised.

- *Greenham and Cookham Commons Act 2002. An act that reinstated rights and access after the area stopped being an airbase. This act recognises the public benefit of nature conservation, public recreation and education as well as the exercising of grazing rights. Multi-functional common land use enshrined in tailor made legislation.*

The path to secure the future protection and well being of commons for 2053 will no doubt, if the past is anything to go by, have many twists and turns in it.

In the National Trust's response to the Greater Protection and Better Management of Common Land in England and Wales we set out the following vision:

VISION FOR COMMONS AND VILLAGE GREENS

The Trust's vision for the future of commons and village greens is that they should continue to contribute to the well-being of the local environment and local communities. They could be an increasing resource for education for all ages in respect of the local and historical landscape. They form an important part of local community life and bring considerable social benefit to those that live on or close to commons.

They are important places for quiet recreation, air and exercise. Securing access for these purposes to commons under the Countryside and Rights of Way Bill will give clarity and certainty.

Their cultural and historic value should not be underestimated and, although many of the commoning practices have been discontinued, particularly on the lowland heaths of Surrey and Hampshire, the resonance of them can survive through education and interpretation. However, there are commoning practices, such as gorse cutting, which should be supported if the character of commons are to survive. Where such practices are under threat or have disappeared then imaginative schemes will be needed to ensure their continuance or reintroduction.

Grazing is critically important to the character of commons and it is essential to get the grazing levels/stocking density right to alleviate the damage which over or under-grazing can cause.

Commons form an important part of the landscape and make a key contribution to local character. They are valued for their wild and remote qualities, even in and around urban areas.

Source: NT response to Greater Protection and Better Management of Common Land in England and Wales

So, to conclude. When our children and grandchildren will be sitting in a hi-tech conference hall or in front of their screens enjoying a virtual seminar about the future management of commons in 2053 what will they have inherited from us? As custodians, stewards and interested parties of this part of the nations' land use history what are we most proud of? And where do we need to do better? I hope the day's discussions will be illuminating and helpful as we move into the next phase of commons legislation and management issues.

UPDATE ON GOVERNMENT PROPOSALS FOR COMMON LAND AND VILLAGE GREENS

**HUGH CRADDOCK,
HEAD OF COMMON LAND LEGISLATION BRANCH, DEFRA**

Common land reform



Hugh Craddock
head of common land legislation branch



How we're organised...1

Common land legislation branch: new primary and secondary legislation reforming the law relating to common land and town and village greens

Sheila McCabe, head of SLU division
Hugh Craddock, head of cll branch
Philippa Powell, policy officer



How we're organised...2

Common land branch: policy and casework relating to existing legislation on common land and town and village greens

Simon Hopkinson, head of cl branch
Christine Griffiee, cl casework officer



What Defra's doing...

- consultation on agricultural use and management of common land
- other reforms
- other measures to improve the management of common land



Context

- Rural White Paper: November 2000
- Common Land Policy Statement: July 2002
- Report of the Stakeholder Working Group: April 2003



Agricultural management — So what's wrong?

- extent of past or present overgrazing
- practicalities of promoting good management, and penalising bad practice
- government target of 95% of SSSIs in favourable condition by 2010



Agricultural management — Policy Statement

- effective measures needed to regulate management practices
- no consensus on what form these measures should take
- commitment to set up stakeholder working group to develop proposals



Agricultural management — Stakeholder Working Group...1

- Set up in November 2002
- Membership drawn from range of bodies with interests in use and management of common land
- Reported in April 2003



Agricultural management — Stakeholder Working Group...2

- Report is recommendations of working group to government, not Defra's conclusions
- Report represents remarkable consensus



Agricultural management — consultation on proposals...1

- Defra committed to reviewing working group's recommendations
- Consultation on proposals based on working group recommendations



Agricultural management — consultation on proposals...2

- consultation paper issued on August 22
- sent to over 1,500 people/bodies
- freely available on request —
0845 9556000 quoting ref: PB8650
- www.defra.gov.uk/wildlife-countryside/



Agricultural management — already minded to deliver

- prohibition of severance
- power for individuals / commons associations to refer wrongly registered rights to Commons Commissioner for investigation



Agricultural management — the proposals

- statutory commons associations
- non-statutory regional/national advisory bodies
- last resort powers of intervention
- controls on letting rights of common



Agricultural management — statutory commons associations...1

Aim: to promote better, more effective management of common land, by enabling commoners to collectively manage their own affairs through majority decision making.



Agricultural management — statutory commons associations...2

- commoners can set up a SCA if sufficient support
- SCA should include all agricultural interests as members, not just commoners



Agricultural management — statutory commons associations...3

- SCAs able to make mandatory regulations with majority support
- regulations to be approved by Secretary of State, with advice from advisory body
- affect exercise of rights of common
- enforceable by direct action or courts



Agricultural management — statutory commons associations...4

- SCA may also resolve to enter into binding management agreement
- SCAs must observe rules made by Secretary of State, and have regard to code of practice



Agricultural management — statutory commons associations...5

- NOT obligatory
- NOT intended to replace existing management systems where they are working well



Agricultural management — Advisory bodies...1

Aim: (primarily) to promote better consultation between commons managers and the government in exercising the government's powers in relation to common land and SCAs.



Agricultural management — Regional advisory bodies

- advising government on use of powers (confirming regulations, powers of last resort)
- regional good practice
- promoting management plans



Agricultural management — National advisory bodies

- good practice guidance
- influencing government in developing policy
- consultative body / sounding board



Agricultural management — Powers of last resort...1

Aim: powers to intervene where the unsustainable agricultural use of common land threatens its conservation or amenity value.



Agricultural management — Powers of last resort...2

- exercise of owner's powers by government and nature conservation bodies
- referral of wrongly registered rights to Commons Commissioners for a review
but: prior consultation with advisory body



Agricultural management — Letting of common rights...1

Aim: to help ensure that common rights are exercised by those who are entitled to them, and who are connected with the local community.



Agricultural management — Letting of common rights...2

- letting of rights of common appurtenant should be prohibited
except in cases prescribed in government regulations
- enforcement would be for SCAs, commoners, owners or other interests



Agricultural management — Lapse/extinguishment of rights...1

Aim: to reduce uncertainty arising from lapsed rights of common which remain on the registers



Agricultural management — Lapse/extinguishment of rights...2

- no proposal to abolish apportionment of common rights in relation to land no longer in agricultural use (*but views sought*)
- right holders should be able to unilaterally surrender their rights



Agricultural management — Live registers

Aim: to enable the proper agricultural management of commons, especially by SCAs.

- SCAs should be required to maintain a live register



What happens next?

- consultation on agricultural management open until 14 November 2003
- Parliamentary time sought for legislation
- government commitment to consult on draft legislation



What else is happening?...1

improving liaison—

- between registration authorities and HM Land Registry
- between government and registration authorities



What else is happening?...2

- exploring the options for enabling registers to be held in an electronic form
- new commons registers search fees
- new regulations under CRA65, s.22(1A) (on registration of new town and village greens)



Conclusion

- government commitment to legislation means not if, but when
- respond to the consultation paper



FRAMEWORKS OF CO-OPERATION AND DEVELOPING CODES OF PRACTICE FOR UPLAND COMMONS: A RECOGNITION OF CUSTOM AND CULTURE

**ANDREW HUMPHRIES,
FEDERATION OF CUMBRIA COMMONERS**

At the interface between law and agrarian practice on commons we find custom which represents both practice and law.

“When a reasonable act once done is found to be good and beneficial to the people.... they do use it and practice it again and again and so.... it becomes a custom and being continued without interruption time out of mind it obtaineth the force of a law”.¹

In his commentary on Customs in Common, EP Thompson (1993) notes that in earlier centuries the word custom was used to carry much of what is now carried by the word culture.² This is the context within which to consider the implications and opportunities which may arise from the proposed legislation. A particular concern relates to the issue of diversity and difference between areas, which characterized common land management in the past. This needs to be conserved, regenerated and developed in a dynamic way into the future. One clear lesson from the experience of agri-environmental schemes over the last decade or so is the need to move away from the standard single formula model to one which is much more site and community specific, embracing the potential to deliver a more diverse and sustainable range of outcomes.

At the Agricultural History Society’s conference in December 2002 Professor Richard Hoyle argued that there was no such thing as general custom – “*only the custom of individual manors*”³.

If the concept of cultural landscape in the 21st century is to be developed, as the Lake District National Park is doing under its bid for World Heritage Status based on Cultural Landscape, then these principles need to be carefully nurtured as we consider the issues of legislation. The legislation needs to offer the flexibility and freedom for custom to continue and to develop. The proposals I will discuss here offer substantial hope that this can be delivered provided that informed views are presented with synergy across the stakeholder interest groups.

¹ Carter Lex Customaria 1696 – identifies the four pillars of custom as antiquity, continuance, certainty and reason.

² EP Thompson Custom in Common New York 1993 pp 2-4.

³ See conference report in AHR Vol 51 part1, 2003.

Implications for Collaborative Working: the case for Federations of Commoners Associations.

The role of commoners federations perhaps is a subject which the consultation could address discuss as an innovative element with the potential to add value to the legislation. Even though it does not require the legislative approach to establish such bodies, it is nevertheless important in cultural and social terms that proper representation of the aspirations and concerns of all stakeholders is secured to support a proper balance of interests.

Almost every major rural policy statement of recent times has advocated collaboration, cooperation and other collective approaches. Surely there is no more natural place for such principles to take root than in communal land management of critical semi natural sites. At an individual common level the historic principle of good neighbourhood is well understood if not always practiced – and that lies at the heart of the proposed legislation for agricultural management⁴. However we live in a, so-called, multi- functional context for land management and one may ask: where is the interface between agrarian practice and the wider stakeholder interests in common land? How are the regional diversity and difference accommodated: where are the references to such diversity in documents such as countryside character and natural areas? Not surprisingly they are not there; and that is not a criticism of the agencies: there simply is no voice, no collective advocate with which to engage. Yet conversations with commoners reiterate their frustration that consultation does not in reality mean consultation, and that local indigenous knowledge, the collective wisdom arising from custom and practice is undervalued and peripheral to strategic thought in the development of policy and practice.

Following a number of countywide meetings and seminars on common land issues over a three year period which indicated a significant level of interest and concern in the fell farming community, a steering group was established to seek ways of bringing commoners as the holders of secure legal rights into the arena of debate and decision concerning sustainable management. The issue was about capacity building across the whole community of commoners rather than just at the level of individual associations. Their concerns were acute, recognizing their increasing accountability for an approach to management from which they have been systematically disempowered over perhaps a century and a half.

The Federation of Cumbria Commoners

The Federation focuses on the need to establish an organisation that will support graziers of common land in Cumbria resulting in:

1. Increased collaborative working between graziers
2. More land managed in an environmentally positive manner
3. Increased economic returns.

These aims are now expressed by the committee of representatives

⁴ See Winchester AL *The Harvest of the Hills*, Edinburgh 2000, pp 39,40, 45-47.

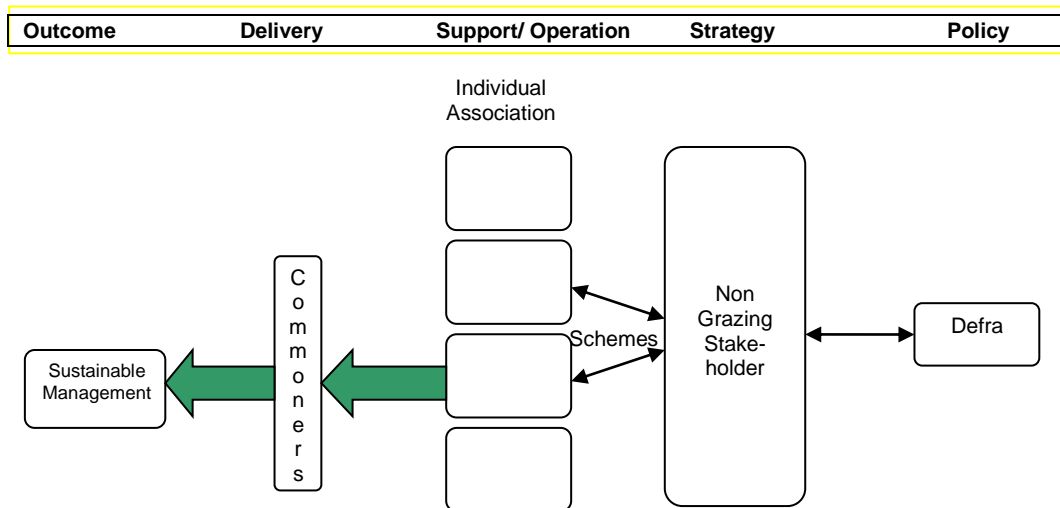
Aims of the Federation

- To be a representative voice to support and protect the commons
- To support better collaboration amongst commoners
- To ensure that hill farming on common land is a worthwhile and viable activity
- To promote positive management of the environment by commoners
- To improve public understanding of the commons
- To these ends, to engage with all interested parties to put forward the case of the commoners in a vigorous and constructive manner.

They should be seen in the wider context illustrated in Figures 1 and 2 below.

Figure 1 Commons policy and practice – without Federations

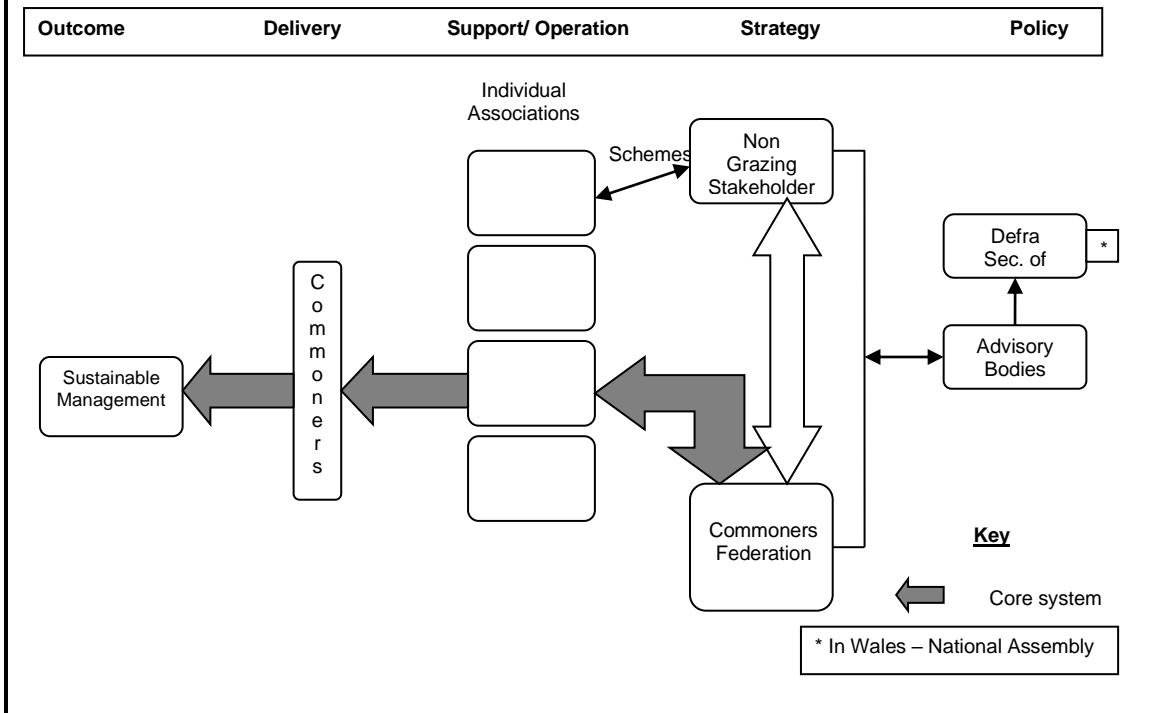
Upland Grazing Commons – A Model



The current situation as in Figure 1, indicates a lack of stakeholder representation of commoners at the strategic level and self evidently limiting their capacity to contribute to policy discussion. Conversely the other stakeholder interests which include access, recreation and conservation equally find difficulty in engaging with common land interests other than at an individual association or commoner level. As articulate, well resourced and active promoters of a sectoral view this is unsatisfactory for commoners and third party interests alike.

The role of Federations of Commoners Associations is illustrated in Figure 2. Their functions include supporting and building the capacity of individual associations at operational and delivery level, strategic representation of commoners with other stakeholders and providing links with policy through proposed advisory bodies and with the Secretary of State.

Figure 2 Commons policy and practice – with Federations
Upland Grazing Commons – A Model



Clearly the challenge is to develop a sustainable and effective organisation that may meet the aims set down by the Commoners. The Federation was launched in Feb 2003 having already appointed a part time administrator in Dec 2002. The next step was to establish a committee to drive the work forward, in the first instance in parallel with the existing project group.

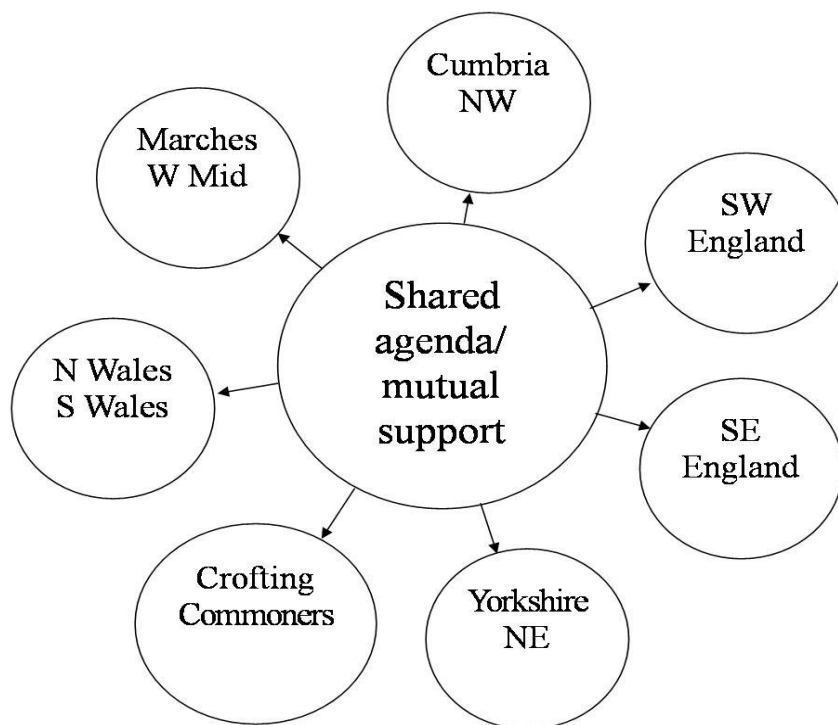
Twelve representatives from across the county were endorsed as the committee for one year in the first instance at which point they will put in place the substantive arrangements for the future. It is fair to say that there has been a warm welcome to the Federation by commoners and other interested parties. The committee and project steering group have a full and active agenda.

The aim is to reflect strongly in the activities and approach of the Federation, the range diversity and cultural values of Cumbrian Commoners – which are currently not well recognized or considered at policy level.

Recognising the wider community of commoners and the value of mutual support we are sharing our experience with others. The committee are considering how an associate relationship with Lancashire may work and we have shared our experience with commoners in Wales and Yorkshire at a series of gatherings. Figure 3 shows the potential for a growing voluntary network of Commoners Federations.

Figure 3 Possible voluntary network of Commoners' Federations

Medium to Long Term Strategy Options



Based on strong regional federations
Clear ownership by local commoners associations
Working locally, regionally as the main support function

Commoner strategy.pub

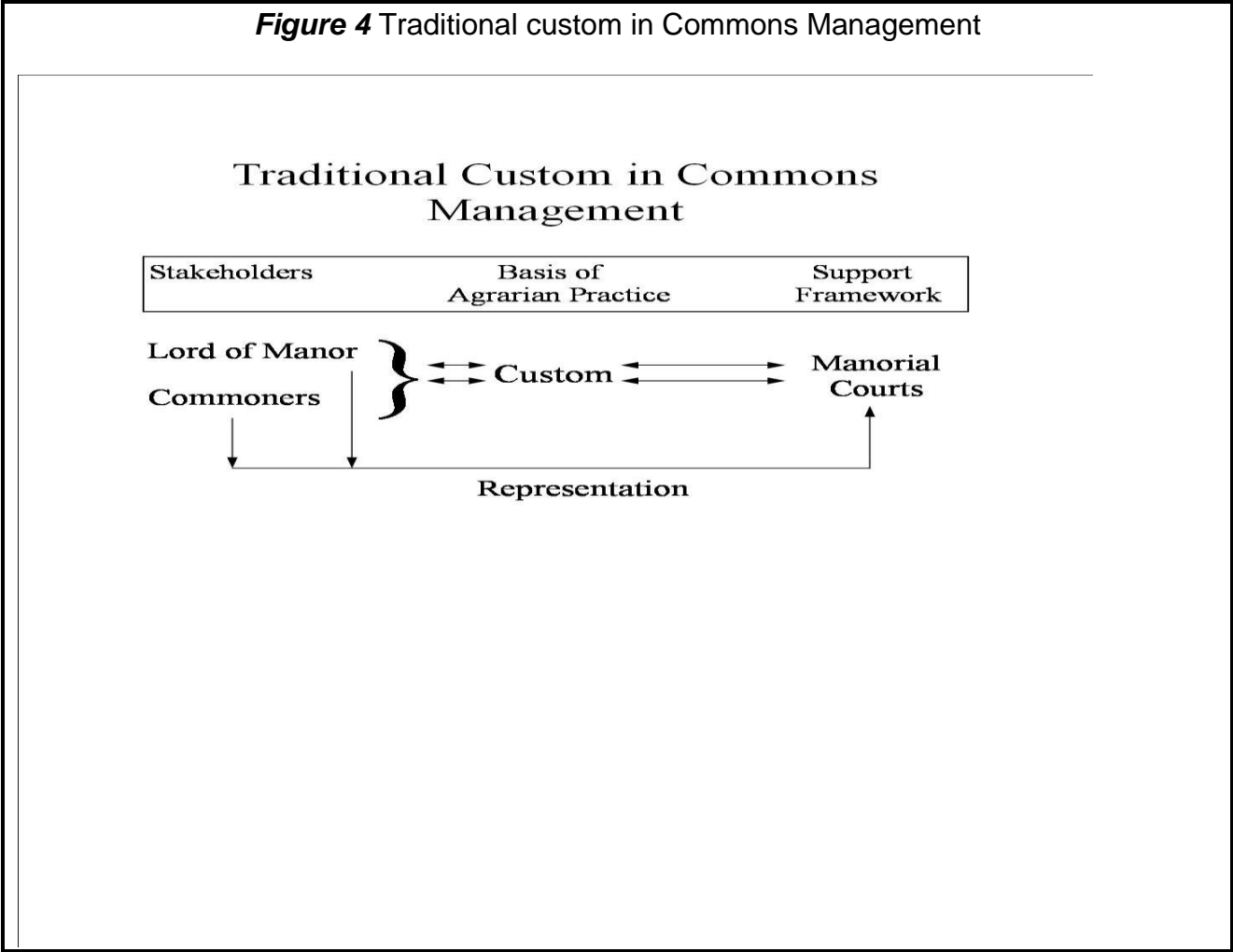
© A.B. Humphries 2003

Codes of Practice.

It is important that commoners create and develop their own agendas rather than only reacting to the proposals of others. In a sense the culture and approach needs tangible expression. The development of codes of practice that reflect local views on current issues

is important in modernising management practice which must necessarily embrace a wider range of interests than tradition demanded in return for a narrower range of benefits.

Figure 4 indicates the historical basis of customary management by stakeholders through the manorial court. All parties with clear rights relating to land management were involved in what would generally be regarded as a partnership of mutual respect based on a reciprocal principal of give and take.



Codes of practice are being developed in consultation with commoners who have responded well to a structured questionnaire to give guidance to the committee. Once developed they will then be available for local associations to adapt to their own circumstances or to adopt as a policy approach.

Figure 5, which is the first code, was initially developed by a group of commoners in the Lake District in collaboration with two advisers and has been adapted as a core code for associations to adapt and adopt. In essence it places the culture of husbandry systems and communal working as a basis for sustainable management. The adaptation of the code will reflect the diversity within Cumbria where farming conditions and traditions are diverse.

Figure 5 Sheep farming on the open fells of Cumbria: guidelines for sound husbandry practice

1. RECOGNISE THAT THE FELLS ARE DIVIDED INTO A NUMBER OF GRAZING AREAS OR "HEAFS" OCCUPIED BY PARTICULAR STOCKS OF SHEEP.
2. SHEPHERDS SHOULD CO-OPERATE WITH EACH OTHER IN RESPECTING TRADITIONAL "HEAFING" BOUNDARIES AND TO RECOGNISE THAT SOME MOVEMENT OF BOUNDARIES IS INEVITABLE.
3. BREED FLOCK REPLACEMENTS FROM THE RESIDENT FLOCK AND ENSURE THAT THE LAMBS ARE ALLOWED TO GRAZE THE FELLS WITH THEIR MOTHERS (FOR A PERIOD TO INCLUDE AT LEAST TWO GATHERS).
4. MAINTAIN THE TRADITIONAL FLEECE AND EAR MARKS FOR EACH STOCK OF SHEEP.
5. ENSURE THAT THE FLOCK STAYS WITH THE FARM IN ORDER TO MAINTAIN THE SYSTEM OF "HEAFS" AND "HEAFED" FLOCKS WITH THEIR UNIQUE IDENTIFICATION MARKS.
6. TRANSFER OWNERSHIP OF A FELL FLOCK DURING THE AUTUMN BREEDING SALES (MID SEPTEMBER TO MID OCTOBER) WHEN SURPLUS SHEEP CAN BE CONVENIENTLY SOLD.
7. DO NOT TURN OUT UNHEAFED SHEEP ON THE FELL. FELL SHEEP REMOVED OFF THE FARM SHOULD NOT RETURN TO ANY FELL.
8. GRAZING RIGHTS ON COMMON LAND MUST NOT BE EXCEEDED AND, IN ANY CASE, THE LEVEL OF STOCKING SHOULD BE SUCH THAT LAMBING RATES AND SHEEP LOSSES ARE CONSIDERED REASONABLE BY THE LOCAL HILL FARMING COMMUNITY.
9. THE HUSBANDRY OF FLOCKS ON HIGH FELLS SHOULD BE PRACTICED BY SHEPHERDS AND SHEEP FARMERS WHO HAVE HAD THE EXPERIENCE OF FARMING IN LAKE DISTRICT OR SIMILAR CONDITIONS.
10. SHEPHERDS SHOULD CO-OPERATE AT GATHERING TIMES, PROMPTLY EXCHANGING STRAYS (OR HELD BY ARRANGEMENT) AND NOTIFYING EACH OTHER WHEN PROBLEMS ARISE ON THE FELL.
11. ENSURE THE CONTINUED HARDINESS AND PROPER DEVELOPMENT OF MATURE EWES BY NOT TUPPING SHEARLINGS WINTERED ON THE HIGH FELL.
12. MAINTAIN AT LEAST THREE CONSECUTIVE GENERATIONS OF BREEDINGS EWES MATED TO HILL TUPS, USING BREEDS APPROPRIATE TO LAKE DISTRICT CONDITIONS.
13. ADOPT A SOUND FLOCK HEALTH PROGRAMME IN ORDER TO AVOID THE SPREAD OF DISEASE (FOR EXAMPLE, TREATMENT TO PREVENT "SCAB"). CLEAR THE FELLS BY MUTUAL AGREEMENT.
14. DO NOT ALLOW ENTIRE LAMBS ON THE FELL AFTER THE END OF SEPTEMBER.
15. CONSIDER THE ESTABLISHED PRACTICE OF SUPPLEMENTARY FEEDING ON THE FELL BEFORE STARTING OR CHANGING A SYSTEM FOR A PARTICULAR FLOCK. AVOID HIGH DEPENDENCY ON SUPPLEMENTARY FEED EXCEPT IN STORM CONDITIONS. DO NOT USE RING FEEDERS AND TROUGHS.

The other codes [see Figure 6] are part of the response to contemporary expectations for the management of common land but which carry the thumbprint of the area for further refinement by associations. They will also provide a basis for the Federation to engage with other interested parties.

Figure 6 Cumbria Commoners Federation: Codes of Good Practice

Management of Common Land for environmental benefit and profit:

- *Preparing an integrated plan:* - *resource appraisal*
 - writing the plan
 - monitoring and updating the plan
- *Grazing management:* - Feeding, stock movement and gathering
 - choice of animal breeds
 - re-heafing, including fencing
- *Vegetation management for environmental gain and animal welfare:*
 - heather, bracken, scrub
- *Group management:* - gaining agreement/building
 - consensus
 - model agreements/constitutions
- *Maximising environmental marketing opportunities:*
 - identifying/analysing market needs
 - presenting the product to meet
 - customers needs & values
 - branding and promotion
- *Public access management:* - waymarking, interpretation

The legislation if sensitively shaped and presented will offer the opportunity to make real progress. Success in the process will depend on developing the role and capacity of commoners to engage with other interests in ways that properly recognise the cultural aspects of communal grazings, local indigenous knowledge and the vital importance of giving real value to the contribution of practitioners in a setting currently in imbalance in its approach to genuine partnership working which respects the significance of agriculture as the main delivery tool of sustainable management of much of our common land.

Commons were described by WG Hoskins as a remarkable survival in one of the most densely inhabited and urbanized countries in the world. John Clare, in the early part of the 19 Century wrote in his poem "Mores" the following lines, which reflect clearly the inspirational value of the open commons to himself as a poet, and sometime herd boy and farmer:-

*"Unbounded freedom ruled the wandering scene
Nor fence of ownership crept in between
To hide the prospect of the following eye
Its only bondage was the circling sky..."⁵*

⁵ John Clare [1793-1864] 'Mores' [REF]


UNDERSTANDING WHAT MAKES AN AREA SPECIAL: LISTENING TO THE VIEWS OF LOCAL PEOPLE IN THE FOREST OF DEAN

**ROS DANIELS,
DEAN BY DEFINITION**

Dean by Definition is an innovative project undertaken between 2000 and 2002 by a ... 'consortium of local organisations led by the Forest Business Education Partnership. Its aim was to establish what it is that local people consider to be special about the Forest of Dean. It was launched in a climate of scepticism but its product is now widely admired as a valuable collation of local perceptions and concerns about local culture and environment and as a brave attempt to crystallise the essence of the areas 'special-ness'.

It employed a variety of tools – questionnaire surveys (over 1,200 people interviewed on a one-to-one basis), photography and video, artistic and writing projects, a presence at some 50 local events and meetings, a web-site, and the (celebrated!) persuasion of pub-goers to record their views on beer-mats. The project tried hard, and with some success, to reach out to those social groups which are usually underrepresented in such research.'

Extract from the report 'Evaluation of the Forest of Dean Integrated Rural Development Programme – 2000-2003' Moseley *et al* (2003) Report to the Countryside Agency.



**Royal Forest of Dean
By Definition**

**What makes the Forest
of Dean special?**

The Aim

To contribute the views of stakeholders and community groups across the Forest of Dean District, to a study whose working title is 'The Forest of Dean Landscape and Heritage Study'

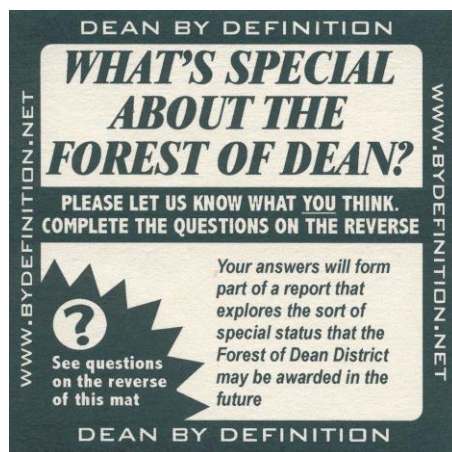
Objectives

- To design, run and assess a series of exercises
- To present the results of these exercises in a tangible, usable form
- To engage a cross-section of the Forest of Dean communities and people who may not see themselves as joiners in
- To work in a way that participants can explore and express their own sense of 'What's Special about the FOD?'
- To cover the FOD District
- To maintain regular contact with Landscape Design Associates and The Countryside Agency

Examples of Participants and Activities

- 1256 one to one interviewees for survey questionnaires
- 39 Parish Councils – Forest 41 photography
- 10 Primary Schools – “That’s what we think!” sound sculpture
- 5 Secondary schools – ‘Forest Food Showcase’ recipes
- 2 Primary Schools – Song writing and production
- 17 Public Houses + 2 Visitor attractions – Beer mats
- 3 Primary + 1 Secondary Schools– Textile workshops
- The Listeners of Forest of Dean Radio - Radio broadcasts
- 2 Residential Homes for the Elderly – Interviews and songs
- 1 Centre for the Visually impaired - Interviews
- 3 Drop in Art events – Pavement painting, batik, ‘In my box’

Beer Mats



DEAN BY DEFINITION

1 What do you think is special about the Forest of Dean ?

2 If you had a magic wand what one thing would you change ?

Please tick ☐ Forest Resident ☐ Visitor

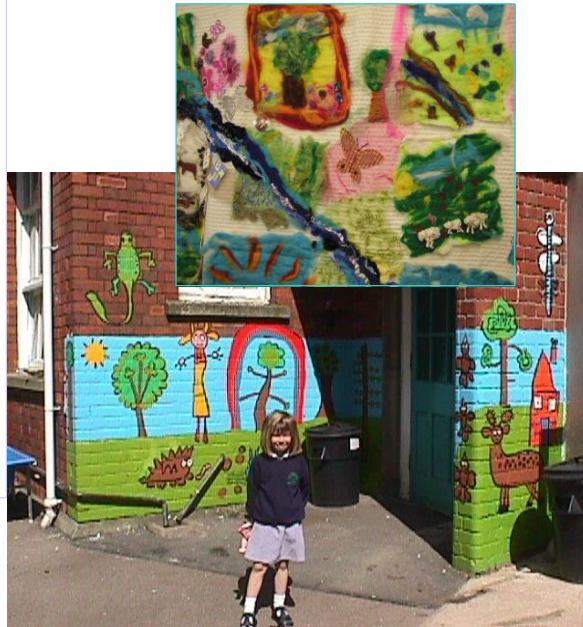
Post your mat in the green jar on the bar ▶

DEAN BY DEFINITION

WWW.BYDEFINITION.NET

Other Projects

The Forest of Dean
defined by
the things we see,
the places we go,
the people we meet:
defined by
friends and family,
and communities we take
part in.
The Forest of Dean
**defined by our homes,
buildings, places of work
and leisure,**
and the stories of the land.



For further information please visit the Dean by Definition website:
www.bydefinition.net

UPLAND COMMONS WORKSHOP 1

(Defra consultation on Associations, Registers etc.)

***FACILITATORS: EAMON CROW, DEFRA, BUDDUG JONES, CCW AND JOHN POWELL, CCRU
UNIVERSITY OF GLOUCESTERSHIRE***

The Workshop addressed the Defra consultation on agricultural use and the management of common land. The topics selected reflected the focus of the consultation and enabled the group to discuss and air their views on the establishment of commons associations, set-up arrangements, voting powers, live registers and severance. Discussion was wide ranging and animated with a wide range of issues being raised by those present. The key outcomes of the discussions are summarised below.

Definitions

A significant amount of time was spent on clarifying the meanings of certain terms used in the consultation document. The group felt that it was extremely important that many of these terms are clarified in order to understand the aims of the proposals being made.

Key terms requiring clarification are:

- 'agricultural interest'
- 'active grazier' - there is a need to distinguish between those who actually graze the common and those who do not graze but have IACS claims based on the number of rights that they have on the common.
- 'sustainable agricultural management'
- 'overgrazing' (no clarity here)
- 'using' rights - Lapsed and dormant rights – Defra's consultation paper needs to clarify the difference between these
- 'live' register (what is meant by 'live'?)
- 'surplus grazing' or 'sufficiency' needed clarification.
- 'other groups' needs defining.

There was also some confusion over ownership of resources (i.e. soil and vegetation), who had what rights, and who had ultimate responsibility for the condition of the vegetation (landowner or rights holder?).

Lack of clarity over the proposals for sporting rights in the proposals, yet this is the main alternative form of economic value for many upland commons.

Commoners Associations

Several issues were addressed under this broad heading. First of all it was noted that commoners associations made it easier to enter into management agreements. However, it still holds true that on commons with large numbers of rights holders, obtaining a management agreement at all is more difficult. Secondly, that a good interface was required between commoners associations and other stakeholders as this helps others recognise that commoners are performing a 'public good'.

However, there were concerns expressed over levels of participation – the issue of obtaining good levels of participation was relevant given declining numbers of graziers due to changes in the Common Agricultural Policy. This was a key issue for the future and there were concerns expressed about the lack of farmers to keep associations going in the

future. e.g. one delegate referred to a common in S Wales that had 27 graziers but only 11 were members of the association.

Several people commented on the large numbers of commoners not exercising grazing rights.

Key points:

- ◆ Commoners associations have to be active to help the farmers to keep going
- ◆ Commoners must get together to resolve issues
- ◆ Local commoners associations will have to get together to assist each other
- ◆ The onerous aspects of Statutory Associations work against them.
- ◆ Setting up costs should be covered under the ERDP or the Rural Development Plan for Wales.
- ◆ There was a need to formalise links between Commoners Associations/ Federations and Regional Advisory bodies and the network of Common Land Registration Officers.

Voting Powers

The proposed process was felt to be too complex – a simpler alternative is required.

Linking voting to 'active graziers' causes all kinds of problems as in many cases grazing rights are not correctly registered (often inflated) and it is not clear what is meant by 'active'.

It was pointed out that on Dartmoor, 'active' meant a commoner who was paying dues to the association and actively grazing.

Agri-Environment Schemes

Money from agri-environment schemes can cause conflict between commoners:

- those not exercising rights want a slice of the money
- how much should landowners get? (On Dartmoor it is 10% but this is negotiable)
- concerns over the impacts of de-coupling whereby farmers might take the payment for minimal stocking levels.

Live Registers

The practical difficulties were examined:

Obtaining accurate information - the point was made that it would be extremely difficult and costly to maintain a live register and only at the point of conveyance would you get accurate information. Several delegates felt that the onus should be on solicitors to notify Land Registry and Commons Registration Officers of changes in ownership of rights during conveyancing.

Costs - the issue of who should pay for creating and maintaining a register was explored. The suggestion was made that funding should be sought under one of the ERDP programmes (for England) to establish a commons association and register. After that the process would rely on commoners dues (as on Dartmoor).

Potential conflict with Data Protection Act if information is put on-line. There was a suggestion that Defra should pay for digitising existing registers thus making them available to the public. Delegates were unsure whether this would be in breach of the Data Protection Act – however, registers are currently in the public domain.

Create closer links with the Land Registry – the New Land Registry Act will make much more information on land available.

It was felt that a live register was needed before setting up a statutory association. Permissive rights should be recorded on live registers to ensure these are not extinguished when graziers enter agri-environment schemes.

Severance of Rights from Land

A great deal of concern was expressed over severance of rights from land holdings. This practice was strongly opposed. There were concerns about the potential for rights holders with no connection to the local area obtaining controlling interests in a common. Government needed to prevent further severance of rights immediately otherwise there could be a mad rush by individuals to sell their rights.

Concern was also expressed about the practice of English Nature buying up rights and extinguishing them. This was felt to be a very short-sighted policy given the rapid changes taking place in agriculture and the decline in upland grazing.

Regional Advisory Bodies

The concern was that these would not have adequate representation from commoners. One way to solve this problem would be the creation of federations of commoners associations that would have representation on the regional advisory bodies.

There should be an awareness that conformity of opinion did not always occur between national organisations, e.g. countryside interests and archaeological interests. There is a need for wider public input on the regional advisory bodies.

UPLAND COMMONS II

(CAP Reforms 2003, management issues)

***FACILITATORS: IAN CONLIFFE, RDS DEFRA AND CHRISTOPHER SHORT, CCRU
UNIVERSITY OF GLOUCESTERSHIRE***

An initial presentation was given by Ian Conliffe summarising the 2003 CAP Reforms and is reproduced here (see Annex 1). A handout prepared by Charlotte Matthews of the South West UK Brussels Office is also included in Annex 2.

Points discussed at the session.

The main element of the CAP reform proposals is the introduction of a single payment. There was a great deal of discussion as to the place of common land within this new single payment. A number of views were expressed as to how the common land element might be calculated but it was agreed that nothing was finalised as the regulations have not yet been interpreted by the appropriate office within Defra. A delegate from the Rural Payments Agency was able to indicate how the situation currently works with the rights included on IACS entries being pooled for the appropriate common in order for the overall number to be determined. Each farmer then receives a proportional amount in accordance with the rights they entered on IACS. It was noted that this information was not public and the future relationship between this approach and the legally constituted association and live register is not yet determined.

Another major element of the proposals is the strengthening of the cross-compliance aspects of the CAP. Under the proposals, these would become statutory environmental standards covering animal welfare, agricultural practices and environmental conditions. It was felt by some that should these be too demanding of commons graziers some would not graze the common. Given that in-bye land is available in many upland areas following the Foot and Mouth outbreak it would be possible to extend grazing on enclosed land and not use common rights. The presence of such measures may also result in some farmers who have not yet re-introduced stock back on to the common following FMD not doing so. Thus there is the possibility of abandonment in some areas. The experience of Lowland Commons is that where grazing has stopped it is very difficult to reinstate. It was noted that under the reforms some measures could be retained or introduced specifically to prevent abandonment.

Delegates also agreed that there was a hidden financial penalty where communal management took place. This has, in the past, led to deterioration in the effectiveness of this approach. Since the consultation is encouraging its reintroduction a positive response would be to recognise the increased transaction and management costs of communal practices.

The need for young blood to be introduced into the system was stressed. If new entrants are not forthcoming then traditional customs and practices may be lost. These are vital to the long-term future of upland commons.

Points raised in Plenary Session.

Question not answered: the position of common land within the proposed single payment was uncertain. All concerned would welcome wide consultation on the proposed implementation of the regulations.

Discussion points: The possibility of abandonment of many upland commons was felt to be a real possibility. The experience of lowland commons where the re-introduction of grazing is known to be far more difficult than the maintenance of sustainable levels should be noted.

In order to achieve sustainable levels of grazing and management new younger blood is needed in the system or else traditional customs and practices will be lost.

LOWLAND COMMONS

FACILITATORS: PAUL HACKMAN, ENGLISH NATURE AND MATT STANWAY, THE NATIONAL TRUST

An initial presentation was given by Paul Hackman of the Cotswold Grazing Project and Matt Stanway, Herd Manager employed by the National Trust (see Annex 2)

Points discussed at the session.

The issue of **burning** was raised and discussed. It has been a traditional practice within Gloucestershire, usually in January or February to burn off the grass that had not been grazed the previous year. The impact of burning is that it gives a quick early 'green shoot' that is attractive to grazing animals. Thus grazing in early spring is critical, without this there is no benefit to the grassland site. Since early spring grazing is not ideal for many grassland sites burning is not widely practised or encouraged. Where there is little or no grazing and even where there is cutting, the long-term impact will be to increase the proportion of grass in the sward. Most species rich calcareous sites have a ratio of at least 50% herbs compared to grass.

Costs attached to grazing projects were the source of a number of questions. The largest cost is labour but overall the cost represented the best value for management. This is calculated when the labour cost is spread over the number of sites covered. Some monitoring has taken place and the commons included in the project do seem to be recovering. Monitoring and evaluation of projects such as these is very important, and can be undertaken by an independent source.

The other main cost is the purchase of **stock**. Commercial breeds have been considered but are not appropriate, as they tend to lose condition on the more extensive grassland areas, especially in areas where slopes are steep. By using more traditional breeds you extend the grazing season and the areas to be grazed with less or no supplementary feeding required.

A delegate from the Malverns sounded a word of warning, while supporting the 5-10 year approach of this project, he noted that, in his experience projects needed a longer time frame. They have had to withdraw from one common as there were too many problems associated with management. In the Malverns, they do work with the one active association but as the rest have no active graziers they liaise with locals. This can sometimes be difficult as their objectives can be different, however, once agreement can be found local communities provide essential support.

Favourable condition was a subject that caused a great deal of debate. It was accepted that it was a government target and formed a focus for English Nature and Defra. However, delegates were not sure of the precise definition and one questioned how the term related to the initial citation of Sites of Special Scientific Interest (SSSIs). Paul Hackman indicated that the initial citation document is prepared when the site is first notified so may be many years old. However, there was a definite link between the citation and favourable condition assessments. Overall it was agreed that there was a need for English Nature to be open about how favourable condition is assessed so that rights holders and other stakeholders and interest groups can understand its purpose and implications. At the moment it seems that only those involved with nature conservation use and understand the term.

Agri-environment schemes cropped up on a number of occasions. They can be the solution to grazing small sites. They may also be the solution for purchasing cattle grids. This might be directly as a capital item or indirectly through the pooling of other payments. Where a site has been designated as an SSSI English Nature may be able to assist (such as through the Traditional Breeds Incentive).

The need to use and understand **existing structures** was stressed by commoners and land managers. Differences often occur with existing committees but by and large they have good rules that are there for a purpose. By nature they may be suspicious of outside interest but this is not just bloody mindedness! By seeking to understand each other and seriously seeking a solution most issues can be resolved to the satisfaction of all but this does take time.

The need to use existing powers for issues such as encroachment, illegal trespass by vehicles, burnt out cars and travellers was also mentioned. It was agreed that these needed greater dissemination not just to those responsible for the common but also those who have to enforce them.

Points raised in Plenary Session.

Question not answered: the term favourable condition needs to be promoted in the non-conservation sector and its purpose needs to be made clear. What is its position alongside other initiatives such as Biodiversity Action Plans, agri-environment schemes and other European Initiatives?

Discussion points: Grazing projects provided the best value approach to meeting the management objectives of commons. A timescale of 5-10 years also encourages the project team to work with existing structures and stakeholders so they gradually take over responsibility for delivery. This is the most sustainable outcome in the long-term but achieving it is difficult.

VILLAGE GREENS

FACILITATORS: NICOLA HODGSON, OPEN SPACES SOCIETY AND PAUL JOHNSON, COUNTRYSIDE AGENCY

Introduction

The recently revised PPG17 undoubtedly strengthens the protection of open spaces. However, section 123 of the Local Government Act 1972 still allows disposals of open space, subject only to the LA 'considering' objections and consent of the Secretary of State is no longer required.

Claimants for village green registration tend to have no organisational structure, no financial resources, no knowledge of what to do when their rights first come under threat. Many elements of the planning process can impose delays on development of much longer than 2 years, for instance local plan formulation.

The Issues discussed included:

Human Rights Act 1998

i) Laing Homes Judicial Review

Laing Homes claimed that the Common Registration Act 1965 is incompatible with Article 1, Protocol 1 of the Human Rights Convention, on the basis that registration of the land as a village green 'deprives the claimant of the peaceful enjoyment of his possessions' constituting a 'de facto expropriation' which does not serve a legitimate aim and is not proportionate.

The Secretary of State's (as an interested party) primary submission was that the village green registration provisions do not engage Article 1, Protocol 1.

The judge refused to grant a declaration that the village green legislation breached the Human Rights Act 1998, as he had decided the matter on domestic law. Potential for developers/landowners to raising HR issues.

ii) Article 6 – 'right to a fair hearing'

'In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law'.

A landowner's rights are clearly engaged by the registration process. The applicant's situation is more complex because of the question of whether registration vests him with a 'right'. There is no decided case, as far as I am aware in respect of the village green registration process.

Common Land Policy Statement (Defra 2002)

- Considering regulations to alter the process to increase openness (para 49)
- Registration authorities will, subject to a safeguard, be able to reject applications that on initial examination of the evidence fall significantly short of establishing a prima facie case for registration (para 53)
- New burden for RA arising from the associated administrative role (p34)

Section 98 Countryside and Rights of Way Act 2000:

S98 Countryside and Rights of Way Act 2000: -

amends the definition of town and village greens in the Commons Registration Act 1965 section 22 (1) (third limb)

This section came into effect on 30 January 2001 and interpretation is amended as follows.

In subsection (1), in the definition of “town or village green” for the words after “lawful sports and pastimes” there is substituted “or which falls within subsection (1A) of this section.

After that subsection there is inserted -

“ (1A) Land falls within this subsection if it is land on which for not less than twenty years a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged in lawful sports and pastimes as of right, either -

(a) continue to do so, or

(b) have ceased to do so for not more than such period as may be prescribed, or determined in accordance with prescribed provisions.

(1B) If regulations made for the purpose of paragraph (b) of subsection (1A) of this section provide for the period mentioned in that paragraph to come to an end unless prescribed steps are taken, the regulations may also require registration authorities to make available in accordance with the regulations, on payment of any prescribed fee, information relating to the taking of any such steps”.

Defra is currently drafting and consulting on the regulations. Three issues are pertinent:

1. Neighbourhood

The Enclosure Act 1845 refers at section 30 to ‘allotment for the exercise and recreation for the inhabitants of the neighbourhood. There are other references at: sections 27, 39, 73. The Act expressly states that neighbourhoods could acquire greens under the Enclosure Act. Unfortunately there has been no definitive judgment on this aspect of the amendment.

It was introduced to allow more flexibility in satisfying the requirement that inhabitants must come from within a defined area.

2. Significant number of the inhabitants

Section 98 of CROW Act has created confusion, it was not meant to be numerical or proportionate. Currently under review on the application of *McAlpine Homes v Staffordshire CC* 'sufficient to indicate that the land is in general use by the community.

3. Regulations

- Currently being drawn up by Defra
- Consultation ongoing

Section 68 - CROW Act 2000:

Proposals in the Common Land Policy Statement (2002) (see paras 67-72) appear to conflict with existing village green legislation. Purports to grant a ‘statutory easement’ to people who have driven over land to get to their premises, but legally have no right to do so.

Regulations set out the criteria that need to be satisfied – Vehicular Access across Common Land other Land (England) Regulations 2002/1711. However, no directly relevant case law yet but refer to *Massey & Drew v Boulden* [2002] EWCA civ1634 and *Brandwood and Bakewell* [2003] EWCA civ23.

Maintenance and Occupiers Liability

There is no statutory duty to maintain the green in a suitable state for recreation. However, the owner of a green cannot do anything that interferes with the lawful recreational activities of 'inhabitants'.

Where the owner is a local authority or other body with statutory powers of management, byelaws may be made to regulate recreational activities.

Various Acts of Parliament that give statutory powers of management:

Common Act 1899, section 193 Law of Property Act 1925 and Open Spaces Act 1906.

Modern facilities, the proposals are to relax the existing legislative restrictions.

Occupier's liability – It is not clear who is the occupier for the purpose of the 1957 and 1984 Acts, nor which Act applies. Is the duty to ensure that visitors are reasonably safe, or to ensure that those other than visitors are reasonably safe from hazards of which the occupier was aware?

The policy statement (2002) made a number of suggestions regarding ownership and related issues (see paras 50, 54, 55, 56 and 58). Provision is also made for the voluntary registration of land (e.g. Millennium Greens) (para 59).

Foot and mouth

Closures have resulted interruption of the 20 year period. Planning Inspectorate advice note 15. Section 31(1) Highways Act 1980 – not claimed as an interruption of the 20 year period so the same should apply to VGs.

One at Southill Dorset has been rejected and Hertfordshire. Ferndown Common succeeded even though F & M closure was raised.

Other issues relating to individual cases were raised by delegates and discussed.

LOCAL AUTHORITY ISSUES

FACILITATORS: GEORGE THOMPSON, HEREFORDSHIRE COUNTY COUNCIL, HUGH CRADDOCK, DEFRA AND CHRIS HILL, GEODATA INSTITUTE, SOUTHAMPTON UNIVERSITY

Hugh Craddock of DEFRA discussed the merits of promoting a Commons Registration Officers Association, and Chris Hill of the GeoData Institute spoke about the Digitisation of commons maps and registers and the potential for electronic definitive registers.

Commons Registration Officers Association

Hugh Craddock introduced the idea of a body for commons registration officers similar to that of the Institute of Public Rights of Way Officers. The body would promote best practice and common standards throughout Registration Authorities and offer training to Commons Registration Officers (CROs).

The proposal is to set up a scoping exercise using consultants to investigate the demand, cost, identifying what functions should be covered and the training needs. It would also investigate whether appropriate funding was available. The object would be to raise the profile of commons and the professionalism of the CROs who work on registration issues. The need for a common approach to registration issues will increase if commons reform legislation imposes new requirements.

The feeling of the group was that the concept of a CROs' association was welcome and would perform a useful function, but there was concern about the availability of funding to make it "fly".

Digitisation of Maps and Registers

Chris Hill outlined a completely digitised and statutory system both for mapping common land and for the registers. The scope for using, updating and disseminating information once it has been put into digital format is far greater than is currently possible. The potential for changes to primary and secondary legislation, under the Electronic Communications Act 2000, to allow for such changes to the legal status of digital registers and transactions were discussed.

The position of Council's progression towards a digitised system of holding common land records is very varied from the minimum (access plans only) to others who are holding almost all the records in digital form. To achieve a statutory registers there needs to be an agreed standard so that all records are held in the same way, and when they are updated it needs to be in a readily accessible form, so that the information is immediately available without a third party being involved. Such an approach would also provide for wider access – such as the exchange of information with the Land Registry and the proposals for local "live" registers.

The work required to digitise the registers is considerable, and financial help and direction from the central Government would be required. It would also be an opportunity to bring the registers up to date. A digitised register would simplify access to the registers, many of which are now in very poor condition and some of the plans have now literally fallen to pieces. The deterioration of the registers is an issue that for some registration authorities needs to be addressed before the records degenerate further. Creating a digital legal

record would address many of the concerns of access to information and provision of electronic services.

During the discussion that followed Chris' presentation the advantages of digital over paper were well illustrated. A particular problem highlighted by various delegates was the lack of co-ordination between planning authorities and commons registration, which in the case of District Councils (planning) and County Councils (Registration) often lacked any form of cohesive contact, resulting in planning problems. With a digitised register the information would be immediately available. It could also facilitate searches, enabling them to be done with the remainder of local authority searches, rather than two separate searches being required.

The group could see nothing but advantages from the digitisation of the maps and registers, but were anxious that central Government should provide funds to enable the work to proceed. It was felt by the Local Authority personnel that ring fencing of the funds was necessary to ensure that the funds flowed down but it was accepted that this was unlikely to happen.

Section 9 Commons.

The 1965 Commons Registration Act enabled local authorities to manage these commons but placed no duty on them to do so. In consequence many have been neglected and issues such as access under section 68 of the CROW Act are difficult to resolve.

The present proposals under the proposed new legislation would vest the Section 9 commons in a local authority for a period of time to allow owners to come forward, and if none did, subsequent to vest the land in the authority permanently. The vesting will probably be at district or county level. There would be nothing to prevent one level of authority leasing it to another but delegates thought that maintenance costs are likely to be too high for parish councils in many cases.

Public Liability Insurance

The CROW Act 2000 reduces the liability of owners of access land for responsibility for risks arising from natural features of the landscape (as defined in the Act). However, it should be remembered that for local authorities and others who manage commons that are under a 1899 Act management scheme or which are otherwise subject to existing public rights of access, this reduced liability does not apply because the land is classified as "section 15 land", the new rights of access do not apply, and therefore insurance liability remains unchanged.

Management of Commons

At present there is no onus on anyone to manage commons except where there is a 1899 Act management plan or a SSSI or where management has been legally agreed (for example Countryside Stewardship Schemes). On section 9 commons there is no known owner.

At the moment local authorities, commoners associations, landowners etc manage commons but many have little or no active management. The proposed new legislation will place a duty on local authorities to manage the commons vested in them, and will provide new mechanisms to enable other commons to be managed by statutory commons associations. Statutory associations would enable the majority of commoners to prevail

over a minority who would otherwise refuse their agreement to positive management measures.

Fencing

The question of fencing on and against common land was raised. At present if fencing, building, etc. on common land is proposed, a Section 194 order under the Law of Property Act 1925 is normally required, whether it is temporary or permanent. Fencing may often be proposed to facilitate conservation works. Some of those present, notably those trying to re-introduce grazing on lowland commons, indicated that it was time consuming and expensive to seek section 194 orders to manage land when there is no guarantee of one being obtained.

The proposed legislation may make provision for consents for temporary fencing for conservation and management purposes to be given on a more flexible basis. It is an extremely controversial subject but the majority thought that it should be easier to temporary fence for management purposes.

Concern was raised about fencing against common land where some adjacent owners will not keep up their boundary fences. It was agreed that it was by custom that the practice of an adjacent owner fencing against the common took place, rather than by any universal law. It was feared that with the possible running down of marginal holdings against common land the problem would get worse.

Buildings on common land

The problem of buildings being erected on common land, some with local authority knowledge, was raised. It was pointed out that anyone with a legal interest in the common land could apply through the county courts for a section 194 order to have the building removed, but that to be successful proceedings should be taken as quickly as possible to have reasonable prospects of success.

It was stressed that it is up to the commoners and or landowner to use their powers under section 194.

Fly tipping

This is becoming an increasing problem, particularly on common land near urban areas. The new proposals, which would make the owner of the land totally responsible for any waste dumped on his land unless all reasonable precautions had been taken including the installation of CCTV locked gates could not be applied to common land because no fencing is allowed and such measures would be impractical. However, ways of dealing with fly tipping must be found as it is becoming more prevalent even in rural areas and common land is especially vulnerable.

Staff in the Common Land branch followed up the question regarding fly tipping and the thrust of the Government's waste management proposals is that landowners should be made more responsible for discouraging fly-tipping on their land. If the soon-to-be-issued consultation paper suggests that owners of common land should take such steps as fencing their land, the Common Land Branch will be responding to point out the existing legislation that protects commons from encroachment. If you would like to be included on the consultation list, please contact Joe Speck on 020 7944 6144 (email joe.speck@defra.gov.uk).

Severance of rights

This problem continues to arise and in certain areas a considerable number of applications have had to be dealt with. There is no doubt that it can and does cause management difficulties on some commons.

The transfer of rights must be by deed only and a copy of the conveyance must be sent with the deed. Defra intends to prohibit severance under the proposed new commons legislation, but it is very unlikely to be retrospective.

ANNEX 1: Material supporting the Upland Commons II Workshop. (Produced by Ciaran Gannon RDS, Defra and presented by Ian Condliffe, 2003)

<div data-bbox="185 387 778 450" data-label="Section-Header"> <h3>CAP Reform...</h3> </div> <div data-bbox="248 506 719 533" data-label="Text"> <p>Radical shift in how farmers are to be supported</p> </div> <div data-bbox="309 580 651 629" data-label="Text"> <p><i>"..marks the beginning of a new era.."</i> Dr Franz Fischler, 26th June 2003</p> </div> <div data-bbox="207 752 756 826" data-label="Text"> <p>Ciaran Gannon, RDS <i>Summary presentation by Ian Condliffe for common land conference, Cheltenham, 9th September 2003</i></p> </div>	<div data-bbox="874 416 1394 477" data-label="Section-Header"> <h3>SoS statement 26th June 2003</h3> </div> <div data-bbox="858 512 1417 539" data-label="Text"> <p><i>"The agreement today delivers what we wanted - real change..</i></p> </div> <div data-bbox="869 573 1409 647" data-label="Text"> <p><i>It was essential that we agree the reforms in time to engage positively in the WTO negotiations on agriculture at the WTO Ministerial in Cancun in September...</i></p> </div> <div data-bbox="876 678 1422 752" data-label="Text"> <p><i>We have met our main objectives. This is a good outcome which will take forward our strategy to provide a sustainable basis for EU agriculture..."</i></p> </div> <div data-bbox="1000 779 1272 806" data-label="Text"> <p>Margaret Becket, SoS Defra</p> </div>
<div data-bbox="229 884 743 945" data-label="Section-Header"> <h3>CAP Reform aims & goals.....</h3> </div> <div data-bbox="204 965 761 1261" data-label="List-Group"> <ul style="list-style-type: none"> ☞ provide EU farmers with clear policy perspective until 2013..... ☞ make EU agriculture more competitive ☞ promote a substantial simplification of CAP ☞ facilitate the enlargement process ☞ help to defend the CAP against WTO </div>	<div data-bbox="890 884 1417 945" data-label="Section-Header"> <h3>Reform should</h3> </div> <div data-bbox="841 981 1461 1274" data-label="List-Group"> <ul style="list-style-type: none"> ☺ encourage farmers to produce what the market wants, getting away from <i>'farming for subsidies'</i> ☺ remove the environmentally negative incentives of the current policy ☺ improve and provide encouragement for more sustainable farming practices </div>
<div data-bbox="229 1352 762 1413" data-label="Section-Header"> <h3>Agreement on 26th June....but</h3> </div> <div data-bbox="287 1453 675 1485" data-label="Text"> <p><u>Full details will not emerge until:</u></p> </div> <div data-bbox="256 1527 746 1740" data-label="List-Group"> <ul style="list-style-type: none"> • a consolidated text of the Council agreement is published during the forthcoming weeks; • the UK Government and Devolved Administrations have completed their consultations on items of national discretion, which will start this summer; and • implementing regulations are published in 2004 </div>	<div data-bbox="853 1359 1449 1467" data-label="Text"> <p><i>So we still have 6 months or so before a detailed package as it applies in the UK and England is worked up..!</i></p> </div> <div data-bbox="852 1512 1457 1576" data-label="Text"> <p><i>But we do know the broad shape of what will be on offer...</i></p> </div> <div data-bbox="963 1606 1334 1731" data-label="Text"> <p><i>Decoupling with Cross Compliance.. Modulation and other siphons.. Farm Advisory System.. Dairy Reform.. Rural Development..</i></p> </div>

Decoupling...(1)

breaking the link between subsidies and production

- most direct payments will be **fully decoupled from production** (although option to maintain some production support - 'partial decoupling' where land abandonment is likely)
- producers will receive a **single farm payment**, based on historic receipts obtained during the reference years - 2000, 2001 and 2002 (with special provision to help farmers who took up occupation of this land during and after this period.)
Note: A-E Agreement Holders during this period treated as Hardship Cases
- these single payments will represent **entitlements** linked to land parcels - they can be sold or leased (full details of how this will operate yet to be sorted)

Decoupling...(2)

breaking the link between subsidies and production

- A **national reserve** of single payment entitlements will operate under rules to be determined (generated by a 3% levy on entitlements and other sources)
- MS have option to divert up to 10% of payments into a sector specific **national envelope** to encourage environmentally friendly farming or improve food quality
- Commission proposes introducing decoupling from 1 January 2005...farmers to apply to the new **Single Payment Scheme** by 15th May 2005 (MS can defer to 2007 under certain conditions)

Cross Compliance...(1)

- granting of decoupled payments is conditional on the respect of a certain number of **statutory** environmental, public and animal health and animal welfare **standards** (Annex III - 18 Directives)
 - 10 on public, animal and plant health
 - 3 on animal welfare (from 1/1/2007)
 - 5 on environment (all applicable from 1.1.2005)
 - habitats
 - birds
 - protection of groundwater
 - soil, sewage sludge
 - nitrates

Cross Compliance...(2)

- an additional criteria for keeping land in **"good agricultural and environmental condition"** (to be defined by the individual Member State) will also be introduced to avoid the abandonment and marginalisation of land (Annex IV)

ANNEX IV Good agricultural and environmental conditions referred to in Article 5	
Issue	Standards
Soil erosion: Protect soil through appropriate measures	Minimum soil cover Minimum land management reflecting site-specific conditions Retain terraces
Soil organic matter: Maintain soil organic matter levels through appropriate practices	Standards for crop rotations where applicable Arable stubble management
Soil structure: Maintain soil structure through appropriate machinery use	Appropriate machinery use
Minimum level of maintenance: Ensure a minimum level of maintenance and avoid the deterioration of habitats	Minimum livestock stocking rates or/and appropriate regimes Protection of permanent pasture Retention of landscape features Avoiding the encroachment of unwanted vegetation on agricultural land

Modulation...

(reducing the decoupled payment annually for Rural Development expenditure - Pillar 2)

- No reductions for receipts < € 5,000
- MS guaranteed to get back at least 80%
- MS has option for applying higher rates
- Also a **Financial Discipline** mechanism (previously called degressivity) to fund future policy reforms and restrain overall expenditure within agreed limits - will be utilised on a needs basis

modulation rates	
2005	3%
2006	4%
2007 onward	5%

Farm Advisory System...

(the mechanism to enforce cross-compliance)

- By 2007 a **FAS**, available to farmers to help them meet their cross-compliance obligations
- Member States will have some flexibility to implement this in line with any similar schemes they already have
- system or service...?

Rural Development Regulation

- Increase in funds to Pillar 2 via compulsory modulation + implementation date brought forward to 2005
- Commission committed to transitional arrangements for MS now operating voluntary modulation (i.e. UK) - will allow for ELS
- One significant change - increased percentage level of EU co-financing. Now 60:40 compared to 50:50
- New measures introduced (food quality, meeting standards and animal welfare) but are optional...

Conclusions...research findings

Decoupling is expected to:

- Reduce the levels of production bringing about a closer market orientation of agriculture
- improve farm incomes (reduced supply, increased prices)
- release resources (labour and capital) for agriculture to other less supported sectors
- allow classification of payments in the WTO 'green box' and thereby enhance the EU negotiating hand

And for the environment...?

Some positive aspects of decoupling.....

(GFA-RASE/ IEEP Research)

- Reduction of inputs
- increase in fallow land (*but management important*)
- removal of incentive to overgraze, and
- greater incentive to enter agri-environment schemes

And for the environment...?

Some negative aspects of decoupling

(GFA-RASE/ IEEP Research)

- undergrazing or cessation of grazing
- reduction in suckler cow numbers and an increase in sheep (*in mixed grazing systems*)
- a decline in mixed farming and more monoculture
- intensification and specialisation in some sectors
- reductions in labour force to undertake environmental management

*Many farmers are attracted to the concept of a single farm payment....
but who will get what ?*

The extent of *annual siphons* will determine what the farmer actually receives....

- **Modulation - EU wide @ 3-5%**
- *Modulation - national @ ???*
- *National Envelope upto 10% ?*
- *Financial Discipline @ ???*
- **Special Reserve @ 3%**

an example.....

A number of key domestic policy and operational issues to be resolved..

- agreement on elements of national discretion, associated with:
 - *The Single Payment Scheme and the National Reserve*
 - *Partial de-coupling and National Envelopes*
 - *Establishment and transfer of entitlements*
 - *Transitional arrangements*
- agreement on **cross-compliance provisions** and the inspection/ enforcement regime
- agreement on **optional modulation policy**

A number of key policy and operational issues to be resolved..

- Domestic **implementation legislation** on all areas
- New schemes for:
 - *the Single Payment and the national reserve,*
 - *modulation,*
 - *cross compliance and the control of permanent pasture,*
 - *and relevant RPA and other delivery mechanisms, including documentation and audit regimes*
- **Internal and external communication**, including formal consultation....

3 key work-stream groups have been established to work up English approach to:

- *single payment and national reserve, cross compliance. modulation*

From an ERDP perspective..

- *More funds to Pillar 2 via compulsory modulation starting in 2005*
- *greater allocation to UK (9.8% cf 3.5%)*
- *transitional arrangements will enable UK to roll out ELS and may allow regional variation to modulation (i.e. different rates in England)*
- *new measures under RDR are optional (food quality, meeting standards and animal welfare)*

From an Agri-environment perspective..

- *What might cross-compliance deliver in relation to birds, habitats and wild flora and fauna ?*
- *Where does ELS and HTS fit in relation to a decoupled world with cross-compliance ?*
- *What is Annex IV all about ?*
- *Where does the Farm Advisory System fit ?*

What Happens Next ...

- Consultation on broad policy options → July - Sept
- Ministerial decisions: broad options → Oct
- Commission Implementing Regs. → **Nov 2003**
- Further Consultation on detail → Dec - Feb
- Ministerial decisions: on detail → **March 2004**

What Happens Next ...

- Drafting scheme rules/ SIs etc → Apr - May '04
- Consultation on scheme rules → Jun - July
- Indicative Statement of individual farmer entitlements → **Nov 2004**
- Application form sent to farmers → Jan 2005
- Deadline for SIP applications → **15th May 2005**



For the detail....

www.statistics.defra.gov.uk/esg/reports/milkquota/default.asp
<http://defraweb/farm/sustain/envimpacts/directaids.pdf>
www.europa.eu.int/comm/agriculture/mtr/index_en.htm
www.defra.gov.uk/esg/econwork.htm

www.defra.gov.uk/esg/econwork.htm

The CAP reform deal

The key points

- Decoupling farm payments from subsidies. A new single farm payment for EU farmers will replace the plethora of existing direct payment schemes in the arable, beef and sheep sectors breaking the link between farm subsidies and production. This will simplify the bureaucracy and free farmers to produce for the market rather than for the subsidy.
- However, the deal allows Member states to retain limited coupled elements in order to avoid abandonment of production. This could lead to different policies operating across Europe which could lead to market distortions.
- The implementation of the package has also been delayed until 2005, and Member States have the option to delay implementation even further until 2007.
- The single farm payment will be linked to the respect of environmental, food safety, animal and plant health and animal welfare standards, as well as the requirement to keep all farmland in good agricultural and environmental condition ("cross-compliance").
- Support for rural development will be increased by the introduction of modulation on an EU-wide basis. Modulation will start in 2005, earlier than suggested by the Commission in their January proposals. Modulation will transfer support from production subsidies to environmental and rural development objectives.
- New measures to promote the environment, quality and animal welfare and to help farmers to meet EU production standards will be added to the rural development programme from 2005.
- A new financial discipline mechanism will trigger action to reduce subsidies if CAP expenditure looks to be in danger of exceeding the agreed ceilings.
- There are also revisions to the market policy of the CAP: reforms in the rice, durum wheat, nuts, starch potatoes and dried fodder sectors and price cuts in the milk sector.

Key aspects of the proposals in detail

Decoupling of payments

- A single farm payment will replace most of the premia under different Common Market Organisations. Consequently, the vast majority of the EU direct payments will no longer be linked to production.
- Member States may make additional payments of maximum 10% of the sum of the single farm payments for their farmers to encourage specific types of farming which are important for the environment, quality production and marketing.
- As a principle, farmers will receive this single farm payment based on a reference amount in a reference period of 2000 to 2002.
- Dairy payments will be included in the single farm payment from 2008, once the dairy reform has been fully implemented but Member States may introduce the system earlier.

However;

- Those Member States who deem it necessary to minimise the risks of land abandonment, can maintain payments linked to production in certain sectors.
- The new system will enter into force in 2005 but if a Member State needs a transitional period due to its specific agricultural conditions, it may apply the single farm payment from 2007 at the latest.

Cross-compliance

- The full granting of the single farm payment and other direct payments will be linked to the respect of a certain number of statutory environmental, food safety, animal and plant health as well as animal welfare standards which should contribute to the maintenance of rural landscapes.
- In the case of non-respect of cross-compliance requirements, direct payments would be reduced while maintaining proportionality with respect to the risk or damage concerned.

Modulation

- Modulation or reducing direct payments and using the money to fund rural development will now start in 2005.
- Farmers who receive less than Euro 5,000 in direct payments will not have their payments modulated. Farmers receiving over Euro 5,000 in direct payments will see those payments reduced by 3% in 2005, increasing to 4% in 2006 and 5% from 2007 to 2013.
- A modulation rate of 5% will result in additional rural development funds of € 1.2 billion a year.

In order to finance the additional rural development measures, direct payments will be reduced ("modulation") in the following way:

Budget year	2005	2006	2007	2008 to 2013
Farms up to Euro 5000 direct payments a year	0%	0%	0%	0%
Farms above Euro 5000 direct payments a year	3%	4%	5%	5%

- As regards the distribution of the funds generated through modulation, one percentage point will remain in the Member States where the money is raised. The remaining modulated funds will be allocated among Member States according to: criteria of agricultural area, agricultural employment and GDP per capita in purchasing power.
- Every Member State will receive at least 80% of its modulation funds in return.
- The UK Government argue that they have secured an increase in the UK share of the funds available from modulation and as a consequence there will be enough funding to deliver the new entry level agri-environment scheme recommended by the Curry Commission.
- Reductions of direct payments will not apply in the acceding countries until the direct payments reach the normal EU level.

Strengthening rural development

- EU money available for rural development will be significantly increased.
- The scope of EU rural development support will be widened by introducing the following new measures:

- New quality incentives for farmers
 - New support to help farmers to meet standards
 - Covering the farmers' costs for animal welfare
 - Improved investment support for young farmers
- These changes will enter into force in 2005.
- It will be for Member States and regions to decide if they wish to take up these measures within their rural development programmes.

A new "Farm Advisory System"

- The farm advisory system will be voluntary for Member States until 2006. From 2007 Member States have to offer advisory systems to their farmers. Their participation will be voluntary.
- In 2010, based on a Commission report on the functioning of the system, the Council shall decide whether the advisory system should become compulsory for farmers.

Common market organisations

- The CAP reform deal includes agreements on cereals, Protein crops, energy crops, Durum wheat, Starch potatoes, Dried fodder, Rice, Nuts and dairy.
- In autumn 2003 the Commission will submit a communication on the reform of olive oil, tobacco and cotton, which will be followed by legal proposals.

Dairy reform

- In order to provide a stable perspective for dairy farmers, the Council decided on the prolongation of a reformed dairy quota system until 2014/15 alongside price cuts in the milk sector.
- The single farm payment will only apply in the dairy sector once the reform is fully implemented, unless Member States decide to introduce it earlier.

Ensuring financial discipline

- The fixing of a ceiling for CAP expenditure at the Brussels Summit in October 2002 has led to the introduction of a financial discipline mechanism from 2007.
- This financial discipline mechanism will trigger action to reduce subsidies if CAP expenditure looks to be in danger of exceeding the agreed ceilings.

<i>Conclusions</i>

A deal on CAP reform was reached this morning after intense negotiations, and following two Agriculture Councils which had failed to reach an agreement. It is clear that the Commission, the UK Government and indeed the NFU believe that they have reached an 'historic' agreement which will reduce the distortions in world markets that the CAP has caused and strengthen the EU position at the WTO negotiations in September.

The deal will enable Member States to break the link between farm subsidies and production, which will allow farmers to focus more clearly on the needs of the market. Funding for rural development has also been increased. However, the compromise agreed gives Member states the option to delay reform and to maintain the link between support payments and production in certain conditions. There is concern that this could create confusion and could also lead to market distortion.

Charlotte Matthews
South West UK Brussels Office
26 June 2003

ANNEX 2: Material supporting the Lowland Commons Workshop. (Produced by Paul Hackman of English Nature).

Cotswold Grassland Grazing Project (key points)

Introduction

Gloucestershire Commons can be considered as 'islands of semi-natural habitat' and 'refuges for rare and interesting wildlife'.

2056 ha of registered common land in Gloucestershire.

70% is Sites of Special Scientific Interest (SSSIs).

650 ha unimproved calcareous grassland in Gloucestershire (majority in Cotswolds).

Decline from 40% coverage in 1935 to 1.5% today.

Cotswold grassland sites are a high priority for English Nature.

Background

Mostly small isolated grassland commons (some exceptions).

High nature conservation importance (flower-rich plus associated species).

Often no/inadequate management (no active commoners).

Coarse grass/scrub - reducing nature conservation value

- amenity/landscape value
- real issue (shown on old aerial photos)

Solution is grazing: sites have been created by grazing and grazing is usually the best way of ensuring their survival (rather than burning or cutting).

Significant barriers to grazing:

- absence of livestock (particularly hardy breeds)
- preventing stock from straying (permanent/electric fencing/cattle grids)
- restoration work required (grazing/scrub/cattle handling/welfare)
- sensitivities of owners/local people/rights holders/organisations
- cost (considerable if not part of agric system/too far gone)

Cotswold Grazing Project

With all of the above in mind, English Nature and the National Trust started the Cotswold Grazing Project. A joint funded project to graze sites, demonstrate methods and explore viability/sustainability.

Paul Hackman
English Nature
01531 638500

Cotswold Grazing Project

Background

- A partnership involving National Trust (NT) and English Nature (EN) in Gloucestershire
- Began in July 2001
- EN contribute financial support, equipment and advise
- NT provide staff with expertise in managing livestock and financial support
- Total of 30 parcels of land currently grazed, totalling 130 hectares. This includes 5 Commons, 7 Sites of Special Scientific Interest (SSSI), 1 National Nature Reserve (NNR) and 1 Special Area of Conservation (SAC).

Objectives

- Main aim of achieving 'favourable condition' on unimproved limestone grassland sites through conservation grazing
- The cattle herds are run as an exemplar of good practice by means of:
 1. Demonstrating the value of traditional hardy breeds to utilise grassland sites of marginal productive value and low nutritional status
 2. Exploring marketing opportunities for such breeds and developing links with local abattoirs, butchers, consumers and other breeders
 3. Providing information to interested parties including: conservation bodies, farmers and landowners, schools and educational centres and local general public
 4. Raising the profile of National Trust and English Nature in partnership, gaining wider interest in their work and connecting with local public.

Why Manage Cattle In-Hand?

- As a last resort, due to:
 1. Unavailability of suitable livestock or lack of interest in using extensive methods of farming
 2. Practical difficulties of the sites: small, inaccessible, isolated, steep terrain, climatic exposure and high levels of public access
 3. Labour intensive and uneconomic for many farmers on such a scale
 4. Exact site prescriptions. The nutritional challenge of the sites and the seasonality of the grazing demands a carefully integrated approach to match the needs of the livestock to nutritional qualities of the various sites grazed in the year.

Results

- 2 years into the Project
- Sites are being grazed specifically to their management objectives
- Both Belted Galloway (BG) and Welsh Black (WB) Herds are in excellent shape. BG Herd totals 25 and WB Herd totals 17. Spring calving c.8 – 15 calves annually
- Figures produced on the profit/loss for the Project reveals a *gross margin* of £5532.26 and a *net loss* of £24137.80 this financial year
- Labour proves to be the largest cost to the Project at £21000 per annum
- The number of finished animals slaughtered totals 7 with 3 to sell this Autumn. Carcass grading now achieving 0+/R3
- Meat has been sold through local butchers, private boxed sales and to a restaurant in London
- Information provided by the Project has been given to: The Grazing Animals Project; a seminar to local farmers demonstrating the potential of hardy breeds of cattle; a seminar to all NT in-hand livestock managers; a published article for the Rare Breed Survival Trust's magazine; and walks and talks to interested conservation bodies including Wiltshire Wildlife Trust, Malvern Hills Conservators, Hampshire Grazing Project and Cotswold Grassland Management Board
- The first NT in-hand herd to gain accreditation with RSPCA Freedom Food farm assurance

Conclusion

- Project is proving to be a resounding success
- Conservation objectives of each site are being met year-on-year
- BG Herd in particular is now one of the leading conservation cattle herds in the country. A similar potential is held for the WB Herd
- Links with local livestock managers are paying dividends with some sites now being grazed by local commercial livestock enterprises
- Breakdown of costs prove that the Cattle Project is viable even in 2 years of partnership. Comparing costs to contractors cutting and removing the grass, cattle management costs are nearly half of those incurred by contractors to otherwise manage the grassland currently grazed
- Potential for reduced costs in coming years with greater number of calves produced from the current females. However, livestock headage payments may be reduced when the Mid-Term Proposals for CAP are implemented. This may be offset by the potential increase in area payment for the proposed higher level agri-environment scheme
- The value of positive public feedback generated by the visual appeal of the cattle should not be underestimated. Using interpretative material, members of the public can appreciate the sensitive nature of grassland management and its links to agricultural livestock systems. This could be developed further with closer ties to educational centres with the potential for further sponsorship of the cattle.