Natural England Commissioned Report NECR001

Trends in pastoral commoning

First published 12 February 2009

www.naturalengland.org.uk

NATURAL ENGLAND

Introduction

Natural England commission a range of reports from external contractors to provide evidence and advice to assist it in delivering its duties. The views in this report are those of the authors and do not necessarily represent those of Natural England.

Port Meadow, Oxford, mentioned in the Domesday Book 1086

Background

This report was commissioned by Natural England to provide an understanding of the extent, role and significance of pastoral commoning in England and to identify trends from which likely future scenarios can be predicted.

The findings will be used by Natural England, Defra and others when considering environmental policies, and the development of management schemes suitable for protecting public interests on common lands.

Natural England Project Manager - Mervyn Edwards MBE, Agricola House, Penrith, Cumbria, CA11 9BN

Contractor - The Pastoral Commoning Partnership, c/o H&U Bowe Limited, Bordrway Mart, Carlisle, CA1 2RS

Keywords - Common land, pastoral commoning

Further information
This report can be downloaded from the Natural England website: **www.naturalengland.org.uk**. For information on Natural England publications contact the Natural England Enquiry Service on 0845 600 3078 or e-mail **enquiries@naturalengland.org.uk**.

ISSN 2040-5545

TRENDS IN PASTORAL COMMONING IN ENGLAND

Front cover photographs supplied by:
Tessa Bunney, Martin O'Neill, Ian Brodie, Louise Rawling and Sheila Spence

TRENDS IN PASTORAL COMMONING IN ENGLAND

A Study for

Natural England

By

The Pastoral Commoning Partnership

with H&H Bowe Limited

H&H Bowe Limited
Borderway
Rosehill
Carlisle CA1 2RS
01228 640920

March 2008

Preface

The task to *'paint a picture'* of pastoral commoning in England has identified a diversity of immense complexity in physical, social, cultural and economic terms. At one extreme are robust and stable pastoral commons and at the other are clear examples of fragile and disappearing communal systems showing evidence of a complex of vulnerabilities.

The nature of the research and the complexity of the situation determine that the findings are to be interpreted within the limitations that are self evident. However, key trends and processes of change and use have been identified. Arising from this are areas of concern and possible opportunity.

The overview is one of diversity and complexity [S.2. and Appendix D], reflecting to a large extent the processes of custom over long time periods. Custom is 'local' and the key to diversity. Each common is special and the response of commoners and other stakeholders relating to the sample commons and the associated summaries [Section 4 and Appendix D] provides strong evidence. The research found that on the commons where traditional practice had survived there is a sense of pride and place that provide a strong foundation on which to build. The diversity of commons suggests caution in making generalisations but there are trends that are observable.

There is also a clear implication that commoners and other stakeholders are somewhat disconnected but not necessarily distant. The evidence that commons are truly multi-functional is strong and that the skills, knowledge and understanding to optimise outcomes demands a more integrated approach. At a basic level, concepts of grazing levels are confusing and need to be the subject of a common understanding.

The interactions between environmental and agricultural practice likewise provide opportunities to improve and share in the process of predicting sustainability on economic and environmental grounds.. A possible way forward could be to identify a small but representative sample of 'demonstration common grazings' where stakeholder partnerships could innovatively share in professional development to provide the connections that multi functional land management requires. Extension working through facilitation by all parties; graziers and other stakeholders can potentially lead to shared understanding and outcomes that contribute positively to a sustainable future. The challenge to develop a discrete approach to Continuing Professional Development linked to commoning presents an opportunity to contribute to the adjustments that will continue to necessary if sustainable responses are to be effected.

Communication seems to offer some scope to all interested parties . The increasing role of commoners associations and the initiatives to form wider networks through Federations and a National Foundation offer a timely and potentially practical way forward.

The historical context [S.2] reflects a management approach that was essentially local. Grazing rights were complemented by other benefits such as rights of turbary, estovers, bracken, stone and many others. In total these contributed significantly to the economy of the community and individual farms. The study has identified little benefit from common rights other than grazing. Despite evidence of improved

agricultural efficiency in recent decades [Appendix A] and the potential for adding value [S.4], primary production is contributing to farm incomes on a declining scale. The research has identified support to add value to the primary produce which is an important aspect of sustaining the motivation of graziers.

However the decoupling of support from grazing stock and the issues surrounding the Single Farm Payment has drawn the fragility of primary production into sharp focus. [N Trust evidence, S2] Primary production is now complemented through a range of *'public goods'* [S.3] which make commons of national significance for flora, fauna, access and cultural landscape which are strongly 'externally focussed'. The challenge to Natural England and Defra to link market and public goods into a coherent and sustainable system demands timely and deep deliberation.

Pastoral Commons in the twenty-first century will continue to evolve though at a pace that may be revolutionary especially in the area of public goods and under the influence of global climatic changes. The process of adjustment can be significantly enhanced through collaboration and mutual understanding. The evidence from the research suggests a fund of willingness to make the commons work. Some of the findings of this study offer opportunities for immediate response whilst there are others that suggest lines of further research.

Andrew Humphries MBE

CONTENTS

EXECUTIVE SUMMARY

Background

This research was commissioned by Natural England to provide an understanding of pastoral commoning in England. Pastoral commoning is defined for this research as the grazing of common land with livestock. To aid the analysis, common land has been divided into types by geographical location and/or characteristics

The research combines data from desk studies with new field data gathered from 18 commons across England and from 20 national and regional stakeholders with an interest in common land. The field data reviews changes over a twenty year period until 2007 and anticipated changes over the following twenty years to 2027.

The data collected from the sample of commons should not be considered as being representative of each geographic type. The diversity within each type and a relatively small sample would make extrapolation from the specific to the whole area unwise.

Findings

Commons are extremely variable, depending on their geography, livestock type and numbers, livestock systems, recreational interests, role of owners and external stakeholder involvement. However a number of general trends are detectable.

1) **The overall tendency is towards fewer active graziers on each common and an increase in farm size**.
   - Over half of the respondents reported a decline in the number of active graziers from 1987-1997, and over two-thirds reported a further decline from 1997-2007.
   - The general exception to this decline is where stewardship schemes have specifically encouraged an increase in graziers such as the New Forest and the Malvern Hills.
   - Over half the commoners reported that their farm size had increased over the last twenty years.

2) **Management of common land has become increasingly time consuming**.
   - Of the factors absorbing increased time on upland commons, reduced labour, fewer graziers and public access issues were cited as having the greatest impact.
   - Over two thirds of commoners said that recreation levels had increased a lot over the past 20 years.

3) **Commons are increasingly managed through commoners associations, and are subject to agri-environment schemes**.
   - The number of commoners' associations closely involved in grazing management doubled over the twenty years ending 2007.
   - 78% of the commons in the study were in agri-environment schemes.

4) **There are widely different views on appropriate grazing levels**
   - Over 80% of commons groups and stakeholders considered that graziers' views on appropriate grazing levels differed from those of non-commoning stakeholders, and *vice versa*.

- Different objectives and different levels of knowledge were the two main reasons identified, with more joint working and better information cited as ways to reduce these differences in the future.

5) **Stock numbers have declined in most cases, with a shift away from native breeds**.
   - In the uplands the numbers of livestock units grazed declined for sheep in 1987-1997 and 1997-2007 while cattle numbers declined from 1997-2007. Overall on the sample upland commons winter sheep numbers have fallen by over 70% and summer numbers by over 40%.
   - The emphasis on off-wintering of sheep and cattle has resulted in shift in breeds kept with often a move towards more cross bred stock. By 2007 none of the sample commons out wintered cattle.
   - In the lowlands there was a small increase (mainly cattle) during the period 1987-2007, although this was from a significantly depressed start.
   - The presence of a sporting interest in a common is a significant factor dictating stock numbers as grazing pressures have been reduced for game management purposes.

6) **The vegetation of commons is undergoing long term change**.
   - Scrub and bracken (where present) are reported by commoners to have increased significantly from 1987-2007. Reasons given for change include altered grazing levels, and climate change (milder winters).

7) **The reasons why commoners continue to graze commons are complex and involve personal values**, **not solely geared to economics**.
   - Whilst the price of livestock is the most important factor underlying commoners' motivation for grazing, tradition and maintenance of farming systems are highly significant factors.

8) **Despite the depressed state of pastoral farming, commons are still an economic asset**.
   - Data collected 2004-2006 revealed that hill farms with common land derived more income than those without, mainly due to economies of scale, Hill Farming Allowance and environmental schemes.

Future Scenarios

Current trends are anticipated to continue

1) **The number of full time commoners will continue to decline in the uplands, with some abandonment possible.**
   - The current generation are likely to remain as graziers but the low level of net income relative to alternative occupations is discouraging the next generation from taking over grazing commons.
   - Unless prices and profits improve, the numbers of graziers will decline as commoners retire or die.
   - This reduction in labour is predicted to reach a critical threshold below which collaborative management and the hefting of stock continues to break down.
   - Pastoral commoning will decline to unviable levels without new commoners
   - On lowland commons, where commons are often grazed by non-commoners, no new changes were revealed.

2) **Landscape quality will be affected, especially in the uplands**
   - Scrub and bracken encroachment are anticipated to increase, which may restrict recreational use and make shepherding more difficult, with traditional boundary walls less likely to be maintained.

3) **The impact on agriculture and local communities is less certain**.
   - The greatest concerns of commoners are reduced output, abandonment of land, and amalgamation of farms. A breakdown of hefting and a loss of traditional breeds are cited as additional concerns by stakeholders.
   - Loss of skills and heritage is cited as the most frequent impact on communities, by both commoners and stakeholders.

4) **Payments from agri-environment schemes and the Single Payment Scheme underpin the current system**
   - Unless commons are supported by environmental payments, or prices and profits improve, trends 1-3 will be exacerbated

5) **The provision of a range of public goods from common land is dependant on continued grazing and collaborative management**.
   - These public benefits include landscape management, nature conservation, access and the protection of archaeological remains and they have increased over the last twenty years as the condition of commons has improved. Without a thriving commoning community the continued flow of the public benefits is at risk.

1. INTRODUCTION

This is the *Trends in Pastoral Commoning in England* report commissioned by Natural England and awarded to The Pastoral Commoning Partnership through H&H Bowe Limited.

The project has lasted three months with the objective of providing an understanding of pastoral commoning in England and to establish current trends from which future scenarios can be predicted.

1.1 Aims of the project

1.1.1 Part 1
To collate existing information on the broad types of commons in England and the practices that exist. Make a broad assessment of the levels of grazing and record the types of grazing livestock.

1.1.2 Part 2
To collect information from a selected sample of commons to assess the current state and trends of pastoral commoning and draw conclusions on possible future scenarios.

1.2 The Research Team

This work has been undertaken by the Pastoral Commoning Partnership which is a national network of organisations working directly with commoners. It is in the process of developing a constitution for a Foundation for British Common Land. As it is not yet a legal entity the contract was held by H&H Bowe Limited, a firm of rural practice chartered surveyors based in Carlisle who provide specialist advice on Common Land matters. All members of the team are active professionally in managing commons or providing advice to commoners. Many also are or have been livestock farmers.

The team comprised:

Project Director:	Andrew Humphries
Project Manager:	Paul Harper
Report Authors:	Julia Aglionby, Roger Connard and Andrew Humphries
Data Analyst:	David Morley
Interviewers:	John Atkinson, John Pedley, John Thorley, John Walden, Cherry Seage, Fiona Southern, Andrew Stables, Carl Walters

1.3 Methodology

A detailed methodology is given at the start of chapters 3 and 4 for Parts 1 and 2. A geographical approach was used to illustrate the broad types of common and to aid the presentation of data. This, and the availability of good quality data, provided the basis for the selection of sample commons that were used as case studies to inform part 2.

The method has departed from the brief in that the team concluded that the data received from stakeholders fitted much better into Part 2 than Part 1 and was useful in validating the results from the commoners. In addition a number of stakeholders were invited to a validation meeting to discuss the questionnaire results from the commoners and the other stakeholders. This was valuable in identifying any other typical features relating to different commons types that the commons questionnaires had not identified.

1.4 Structure of the Report

The report comprises four main sections;

Chapter 2 Provides a historical, cultural and economic background of pastoral commoning in England

Chapter 3 Is a desk study overview of the broad types of pastoral commoning in England as identified on a geographical basis.

Chapter 4 Presents the primary field research conducted specifically for this study. Commoners and stakeholders were interviewed and the results analysed and presented. A summary of the results of the commons questionnaires is shown at appendix D.

Chapter 5 Provides an analysis of the main findings as to the current state of pastoral commoning, the drivers for change and the future scenarios that can be expected on pastoral commons.

Chapter 6 Conclusions

The appendices are an important part of this report as they not only provide the data that supports the conclusions but also contain data on the economics of hill farming on farms with and without commons and summary data of registered rights on common land.

2. BACKGROUND AND CONTEXT OF PASTORAL COMMONING

'Only for a brief moment in history and in a few places on earth have men known anything but an agrarian environment'[1]

[A Whitney Griswold, Farming and Democracy]

For most of that time communal land use in its' various forms has been the basis of pastoral agriculture. Contemporary views may see pastoral commoning as anachronistic and an inefficient use of resources, yet the recent passing of the 2006 Commons Act with a clear focus on the agricultural use and management of common land suggests otherwise. In 2005 Jim Knight Minister for Rural Affairs, Landscape and Biodiversity re-emphasised the relevance and role of common land in our society as:-

- *Central to our hill farming culture*
- *Our single most important wildlife resource*
- *Our single most important open space.*[2]

The future for active and sustainable pastoral commoning depends in significant part on a clear understanding of the character and complex of values that have evolved *'time out of memory'*. Commons provide a unique continuous link with the genesis of pastoral agricultural practice. This section provides an overview of the historic and contemporary characteristics of England's pastoral commons.

2.1 Context of this Research:-

- Pastoral commoning represents a continuous husbandry system of immense diversity and antiquity, which has made a unique contribution to the cultural landscape of rural England.

- Research is necessary to formulate hypotheses and for direct use in the formulation of policy.

- Sustaining pastoral commoning as a basis for community development and the provision of a unique range of public goods depends on understanding of how things work.

- Pastoral Commons are about relationships. These include the physical attributes, management arrangements, patterns of interaction between commoners and with other stakeholders and the outcomes that are sought.

[1] Charles Warner Introduction, In Charles Warner Ed. *Agrarian Conditions in Modern European History*New York, nd. P.1.
[2] Fifth National Seminar on Common Land and Town and Village Greens. University of Gloucestershire.
Web; www.glos.ac.uk/ccru

2.2 The Evolution of Pastoral Commoning.

This section attempts to provide an overview of the characteristics and values that relate to pastoral commoning and that inform the case studies and desk study that follow.

Long before the pressures arising from population growth and modern concepts of private property, *customary grazing grounds* dominated much of England. Initially being available for communal use without restriction they represent *pastoral commoning without defined rights* but subject to customary practices. This situation may be regarded as originating the first pastoral farming practices with a community focus.

As communal grazings came under pressure, due to population growth and the attendant enclosures, a system of limitation through the introduction of rights emerged to ensure a sustainable resource. The definition as to who should be entitled to grazing and other associated rights, and the degree to which these rights could be excercised marks the emergence of *common property rights* in respect of pastoral grazings.

During the later medieval period manorial courts played a major role and marked an evolutionary change in the practice of limiting common pasture rights. The decline in manorial courts in the late 18th and 19th centuries followed by a significant period of *agricultural depression* left commoners without a robust management framework and a system of husbandry vulnerable to a range of potential pressures.

Under The Administration of Justice Act 1977,[s.23, and schedule 4] as from October 17th 1977:-
'all courts baron, courts leet, and similar courts shall cease to have jurisdiction to hear and determine legal proceedings, they may continue to sit and transact such business as was customary immediately prior to the legislation'

Some thirteen specified courts together with the customary business that they may undertake are listed in part three of the schedule.[3] Over time the management framework of pastoral commons had evolved as a combination of statute and custom. The earliest legislation to impact on the customary communal grazings came with the Statute of Merton 1235, and the Statute of Westminster 1285 which primarily limited the right of the Lord of the Manor to enclose[4]. This embraced the principle that *approvement* or *enclosure* was subject to the proviso that there remained *'sufficient pasture on the wastes' for their tenants*.' This arrangement provides strong indications that pressure for enclosure was a live issue even in the thirteenth century, and equally significantly that the *'concept of rights'* exercised the minds of legislators. The 2006 Commons Act finally replaces the Statute of Westminster 1285 and is primarily concerned with agricultural management of common land; ie *pastoral commoning.*

[3] Paul Clayden, *Our Common Land*, Henley on Thames, 2003, p.57.
[4] GD Gadsden. *The Law of Commons,* London 1988. pp.210-211.

2.3 Customary Practice

Throughout the period since the Statutes of Merton and Westminster, custom has continued to play a vital role in expressing and conserving local diversity. Sir Edward Coke [Chief Justice 1606-16] in 1641 characterised custom around two principles; *'common usage'* and *'time out of mind*, adding that:-

"Customs are defined to be a law or right not written; which, being established by long use and the consent of our ancestors , hath been and is daily practiced".[5]

For Carter in *Lex Customaria* in 1694 the principles or pillars had become four: *antiquity, continuance, certainty and reason.*

'For a custom taketh beginning and groweth to perfection in this manner. When a reasonable Act once done if found to be good, and beneficial to the People, and agreeable to their nature and disposition, then do they use it and practise it again and again, and so by often alteration and multiplication of the Act it becomes a Custom ; and being continued without interruption time out of mind, it obtaineth the force of a Law'.[6]

In a real sense custom and culture are intertwined and out of custom came a sustaining of local community; a sense of shared responsibility and accountability, the notion of *'good neighbourhood.'* This strong community based element is exemplified in the following example from the Isel Manorial Court in Cumberland in 1662. , concerning a *drift* or *gather* to check the legitimacy of the animals grazing.

'*that every tenant and occupier of every tenement within this Lordshipp upon lawful warneinge given before the sun be sett the day before, shall ether goe themselves or else send a sufficient person to helpe drive the moore provided the drift be made between sun and sun.'*
[C/DX/ 128/5/3. CRO.]

The relevance of custom in this contemporary enquiry into *'Trends in Pastoral Commoning'* is that over many centuries *custom* which is essentially *local* has been at the centre of the management process, and has relevance for the implementation of future policies and supporting legislation. Within the case studies in this research are a number of customary elements that emphasise its cultural importance. The Court Leet at Danby, The Freemen of the Town Moor at Newcastle and the Court of Verderers of the New Forest are all diverse and particular examples. The Reeve at Burgh by Sands and the Conservators of the Malvern Commons also play a distinctive role. Additionally for the contiguous commons of the Lake District and parts of the Pennines in particular, the Shepherds Guides which contain the individual sheep identification marks, which are claimed to date from Viking times illustrate antiquity and continuance, which are clearly identified as vital features of cultural landscape for World Heritage Status.

2.4 Post-War Changes

[5] Quoted in EP Thompson, *Customs in Common*, New York 1993, pp.128-9.
[6] Ibid.

Following World War Two, agricultural policy unequivocally stimulated a revival in production agriculture as a strategic priority. However the national mood also exhibited a growing interest in conservation and access to the countryside. In the absence of effective management frameworks for commons, the potential tensions between and within stakeholder interests, presented a real dilemma. The absence of anything other than voluntary consensus or cooperation to bring equity to grazing arrangements became clear for upland areas in particular. The problem had been articulated in the report of the Committee on Hill Sheep Farming in England and Wales under Earl De La Warr, presented to the Minister of Agriculture and Fisheries in January 1944. Noting that *'in few areas' were the rights and obligations of the users of common land clearly defined…'* the report recommended that:-

'New legislation is required to clarify the rights and obligations of the users of common land and to ensure that the Executive Committees , acting in consultation with panels of local farmers shall have the necessary power to control stock and to maintain standards of management."[7]

No discernable response followed in the short term during which time legislation to affirm the growing interest in the environment came through the National Parks and Access to the Countryside Act [1949] which juxtapositioned conservation with the production aims of the Agriculture Act [1947]. The 1949 legislation included the establishment of a Nature Conservancy Service. Subsequently the Royal Commission on Common Land 1955-1958 [Cmnd. 462.] recommended inter alia, the registration of ownership and rights. This was enacted, albeit not without problems, under the Commons Registration Act 1965. The second strand of the Royal Commission's recommendation regarding a new management framework was intended to follow, once the facts of ownership and rights had been determined. The protracted process of establishing registers and dealing with objections through the Commons Commissioners took many years to complete. Additional difficulties in reconciling stakeholder interests further frustrated progress, which had been pursued by the Common Land Forum [1986] under the Countryside Commission.[8], The Commons Act 2006 followed on almost fifty years after the Royal Commission, and has a focus on agricultural management.

2.5 Economic overview

Contemporary with the Royal Commission report a survey of hill farm economics undertaken by the University of Durham produced a report for the three years 1957-1959 from an identical sample of hill farms in Cumberland Westmorland Northumberland and Durham. Although a regional report the area contained 41% of the area of England's commons and probably more than half of those engaged in active pastoral commoning. The sample of 28 farms were divided into four groups:-

- Group A – 8 farms with stinted fell rights.
- Group B –9 farms with unlimited fell rights
- Group Ci. -6 farms under 1000 acres with fell grazing in sole occupation
- Group Cii- 5 farms over 1000 acres with fell grazing in sole occupation.

[7] Cmd.6498. Ministry of Agriculture and Fisheries. Agricultural Improvement Council for England and Wales, *Report of the Committee on Hill Sheep Farming inEngland and Wales.* 1944.
[8] Common Land, The report of the Common Land Forum, *Countryside Commission, CCP 215*, 1986.

Group B represents the high fell farms with only 18% of land in sole occupation and 82% communally grazed compared with 34% and 66% respectively in group A. The weather was favourable in 1956/7, less so in 1957/8. 1959 was exceptionally dry in the summer, effecting a shortage of grazing and a lower demand for store lambs in the lowlands.

Table 2.1
Financial Results for 1957-1959
Output, Input and Profitability per 100 "adjusted" acres

		Gross Output £	**Total Inputs** £	**Farm Profit [net farm income]** £	**Management and Investment Income** £
Group A	1957	379	320	140	59
	1958	394	333	140	61
	1959	363	348	91	15
Group B	1957	311	270	99	41
	1958	318	288	88	30
	1959	306	282	83	24
Group Ci	1957	920	749	390	171
	1958	886	836	269	50
	1959s	830	804	245	26
Group Cii	1957	281	183	125	98
	1958	264	195	96	69
	1959	254	211	70	43

[Source Hill Sheep Farming in the North of England 1957-9 University of Durham, Dept of Agricultural Economics 1961 Report 146 FM.]

Despite the small sample size the marginal profitability and vulnerability is clearly shown in table 2.1. Over the same period whole farm figures for regional dairy farms returned profits averaging £1400 , mixed farms £2700 and cropping and feeding farms £3450. Subsequent management surveys continued to identify the vulnerability of farms with common rights being more exposed to climatic and market conditions with few options compared to those in more favoured conditions. By the 1980's separate performance standards for farms with common rights declined and disappeared from the data as discrete figures. The 1974 Newcastle report noted the difference in management and supervision that is implied by communal grazing. Those farms with sole occupation of the high fells over two years averaged a lambing percentage of 94, compared to 89 for commons in similar circumstances. For upland farms sole occupation of the grazing was reflected in lambing percentages averaging 122 compared to 109 for those with common rights. The reality at that time was a sector in which the most disadvantaged farms were vulnerable to natural and market conditions with little capacity to respond to either. The livestock produced were frequently sold in *store or unfinished condition'*. The capacity to produce and market finished lambs lay more strongly with farms able to utilise improved land resources.

A contemporary report has been prepared by Charles Scott of the Farm Business Survey Unit Newcastle [see appendix A]. Farms with common rights had not recently been a separately identified group within the designated farm types. Out of 29 Hill Rearing Farms in the contemporary sample, 14 have common rights. The results for three years 2004/5/6 are weighted to reflect the incidence of size and type of farm within the agricultural business population. These probably equate most closely with the category B farms in the 1957-1959 survey, being the more extensive high fell farms.

2.5.1 Results from the 2004-5-6 Survey.

Table 2.2 presents a summary of output and Net Farm Income [NFI] over the three year period showing an apparent narrowing of the gap between farms with and without common rights. One factor may be the larger size of the farms with rights and it may be that over recent years such farms have expanded their common land stock enterprise due to the withdrawal of others. This is suggested by the flock size figures but with a stocking rate of only 0.65 Grazing Livestock Units per adjusted hectare[9] If this is so, the question may be posed as to whether the improved enterprise structure has been at the expense of a reduced communal human resource to undertake the care and management of the commons. Although the figures do not include upland farms with common rights, others have noted that where commons attach to larger enclosed farms the use of the common may have changed through the use of the common in part to provide *holding ground* for stock which are not representative of the traditional form. For example the use of the common in late summer and early autumn for weaned ewes from crossbreeding flocks may be significant.

Table 2.2
Profitability of Hill Rearing Farms in Northern England 2004-2006

		£	£	£
		2004	2005	2006
With commons	Total output	80,256	83,607	84,470
	Total variable costs	23,673	23,092	26,500
	Farm Gross Margin	56,584	60,515	57,970
	Total fixed costs	34,759	37,311	42,553
	Net Farm Income	21,824	23,204	15,417
	Management & Investment Income	**8,404**	**10,100**	**1,359**
Without commons	Total output	59,868	54,779	62,670
	Total variable costs	19,987	16,329	17,328
	Farm Gross Margin	39,882	38,450	45,342
	Total fixed costs	30,387	31,679	30,815
	Net Farm Income	9,495	6,772	14,527
	Management & Investment Income	**-1,541**	**-4,309**	**1,416**

Source Newcastle Comparison of Hill Rearing Farms 2004-2006, Jan 2008.

[9] Adjusted hectares are expressed as the equivalent area of permanent pasture. Rough grazing is converted on a pro- rata basis.

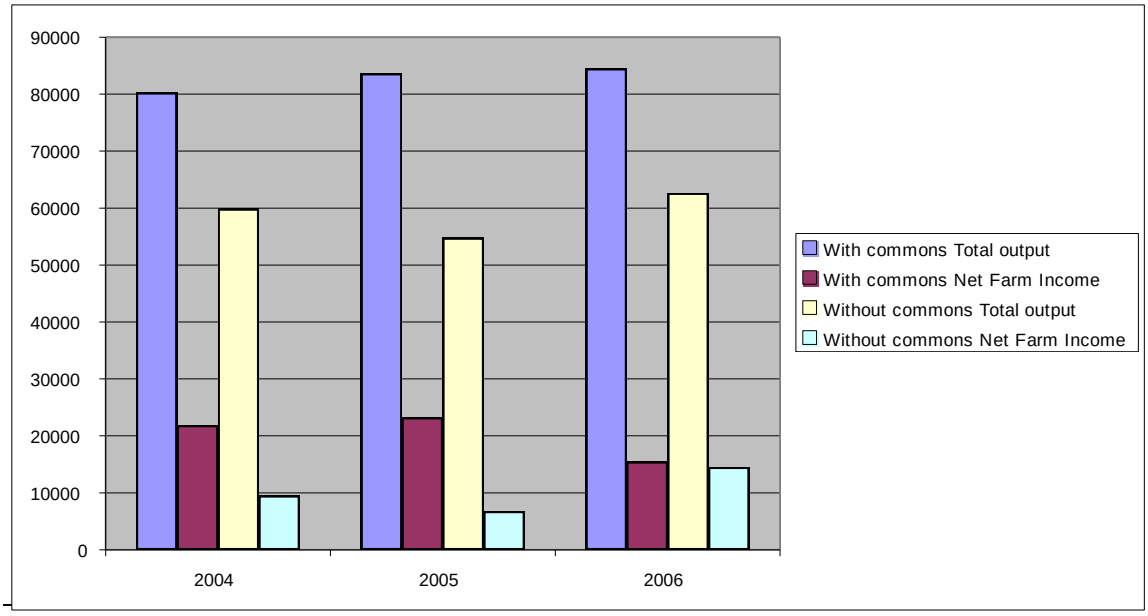
Scott also noted the greater relative significance of the HFA [Hill Farm Allowance] and environmental payments for the *common rights group* which raises concerns as agri-environmental schemes move to the new UELS [Upland Entry Level Scheme] and HLS [Higher Level Stewardship]. For HLS in particular the competitive nature of the application process raises interesting questions. In general ESA has been perceived in practice as a criteria based entry rather than competitive scheme. The increased risk in future to the sustainability of some pastoral commons may be anticipated, since competitive entry implies significant differences in support payments. Furthermore, the Single Payment [SPS] over the first two years shows an equivalence per Grazing Livestock Unit which is greater than the Net Farm Income. The SPS is base don notional area but due to the method adopted by the RPA for commons many commoners face a reduced notional area and hence reduced levels of support.[10] This clearly demonstrates the continuing fragility of the core farming business.[11]

2.5.2 Summary of results

Figure 2.1 shows how over the period under review there is an apparent consistent gain, albeit narrowing, both in terms of farm Total output and Net Farm Income (NFI) for those farms with common grazings over those without.

In general terms the farms in the sample that do have common land are larger in adjusted farm area than their counterparts without common grazing; they have larger sheep flocks and have smaller beef herds. They also have been consistently able (until 2006) to derive more income from the HFA and environmental schemes than their without-commons counterparts.

However the report points to positive changes as well. In respect of agricultural efficiency the figures present a lambing percentage of 111 for farms with common



[10] *pers comm*.. Pauline Blair secretary of Buttermere Commons Association

[11] Charles Scott, With and without Common Grazings. A comparison of Hill Rearing Farms in Northern England 2004 to 2006. *A report for The Federation of Cumbria Commoners prepared by the Farm Business Survey Unit, Newcastle University. Jan 2008.*

Figure 2.1 – Hill Rearing farms 2004 to 2006; Total output & Net Farm Income (£ pa)

rights and 88 for those without, suggesting considerable progress since the 1959 report. In respect of marketing the reliance on store sales has reduced. Farms with common rights sold on average 46% of lambs as finished, and only 13% stores. For farms without rights the figures are 26% and 40%; the latter perhaps reflecting a better grown lamb and also the possibility of cross-breds capable of attracting a stronger demand from buyers. The balance in the disposal of the lamb crop is in the sale of surplus ewe lambs and the provision of breeding replacements. The potential to widen and continue the use of FBS data as a means of cost effectively monitoring a sample of farms with and without common rights seems to have merit.

Increased productivity via technology transfer has been a feature of the steady progress of hill and upland farming systems albeit with a somewhat cautious approach to manage risk for systems which are vulnerable to market adjustments. From the fifties the role of experimental husbandry and demonstration farms has played a key role. Initially dealing with ewe nutrition in winter, lactation, ewe fertility and land management, cost effective improvements have been applied

Table 2.3

Increased Productivity Through Technology Transfer, 1960's -1980's.

Development Farm	**Type**	**Output of kg/ha of lamb 1960's**	**Output of kg/ha of lamb 1980's**
Redesdale Experimental Husbandry Farm	Hill farm in sole occupation Northumberland	16	55
Sourhope , HFRO	Hill farm sole occupation,Roxburghshire	28	66
Low Beckside , Lake District [Newton Rigg College]	Hill farm with significant Common Rights	26	37

Source –paper to Kendal Discussion Group
A Humphries c.1985

The figures in table 2.3 give a general indication of progress on farms with different levels of constraint. The Newton Rigg farm Low Beckside, highly dependant of common rights and with around 6% of 'green improved ground' indicates the more limited ability of farms with a greater proportion of common land to apply technology to the production process.[12]

The North Yorkshire Moors National Park Authority have attempted to evaluate the economics of sheep production on the open commons of the area using data from the FBS unit at Askham Bryan College York and Scottish Agricultural College. The data is based on standards and represents a broadly based modelling approach. This suggests at least a need for a more robust source of factual evidence and

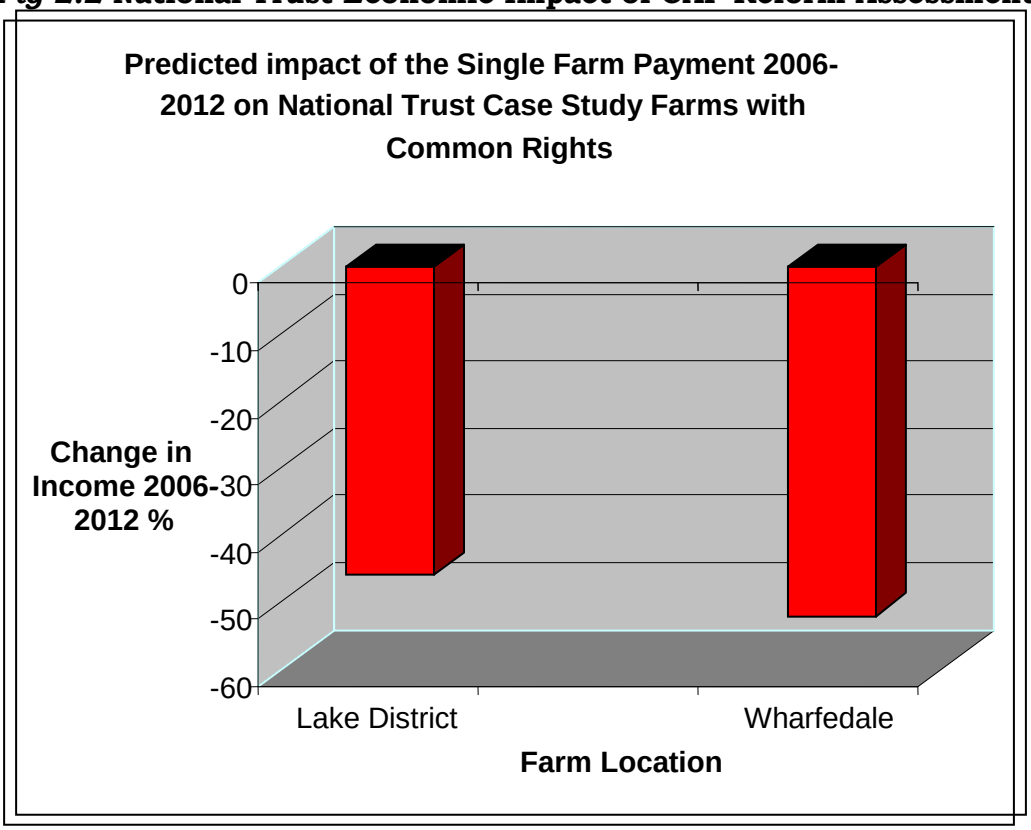
[12] A B Humphries, The Heafs of England, *Journal of the Royal Agricultural Society of England,* Vol 162, 2001,pp.97-111.

weighted data rather than modelling the use of standard farm management data area to inform local stakeholder interests.[13]

2.5.3 National Trust Economic Assessment 2006.

The National Trust which has a major interest in common land through its upland estates has independently examined assessed the outlook for its holdings particularly in respect of the Single Farm Payment [SPS] and the projected decline in its value by 2012. The working draft published in June 2005 based on a study of 60 of its farms in Cumbria, Yorkshire Northumberland and the Peak District. Key factors arising from the study included a likelihood that the impact of a reduction in support will increase the pressure for amalgamations, and that additionally the decoupling of support will not only identify more clearly the underlying lack of profitability of hill livestock, but may accelerate a decline in grazing activity and perceived prospects for farm viability. [14]For farms with common rights the reductions in income 2006- 2012 were projected as -46% for the Lake District, -57% for Wharfedale.[see fig 2.2 National Trust 60 Farm Analysis - Impact of SPS Updated December 2006][15]

Fig 2.2 **National Trust Economic Impact of CAP Reform Assessment 2006.**



Source: Adapted from Impact of CAP Reforms on the English Uplands National Trust Policy Update March 2006

[13] Rachel Pickering,Note on the costs of running a moorflock , August 2007 , in correspondence from Michael Graham , North Yorkshire Moors National Park Authority. The note also refers to the 2005 Hill Sheep Economics Study 2005 by the Askham Bryan unit of the Farm Business Survey.
[14] The National Trust, *Impact of CAP reform on the English Uplands, A National Trust Discussion Paper*, June 2005. The figures were updated in March 2006 to reflect the actual payment rates.
[15] Ibid.

In an overview of the economics of extensive livestock grazing following the 2005 CAP reform Dwyer in an analysis of two ADAS reports, indicated a rather mixed range of impacts and responses, suggesting the need for careful monitoring to establish the direction of change in practice. Some decline in cattle grazing in upland environments may be expected but that individual circumstances and responses are likely to be more diverse and unpredictable.[16] Clearly the potential impact on the environment needs to be under review and the capacity to undertake informed decisions on farm business planning will be an important aspect. There appears to be a lack of integrated predictions and targets on physical and financial aspects of agricultural performance in current agri-environmental schemes. Vegetation change implies a change in diet for the grazing animal and perhaps both physical and financial outputs from the core farming enterprise. Such changes have not to date been central in the design or monitoring of agri-environment agreements by site. The issue of CPD [continuing professional development] or the skills listed in staff appointment specifications may hold some possibility of addressing the issue at least in part as a means of optimizing agreements to sustain the environment value of commons.

The Defra Review of agri-environment schemes [APO2/14] which had embraced the Hills Task Force Report 2001 aimed to agree the approach and principles the Countryside Agency's advice to Defra on the future shape of agri-environment schemes. The first recommendation stated that the objectives *'should continue to address biodiversity, landscape, the historic environment and amenity'.*[17] The inclusion of sustainable agricultural units and, in this instance, communal grazing would seem to be a reasonable addition, on the premise that all these are valued outputs from the countryside for the social and cultural benefits they bring.

Public goods of high value interact with and significantly depend on the farming practices of commoners. Both in the area of primary production and public goods it seems that the potential exists to move either into a spiral of decline or to sustain and regenerate pastoral commoning through adding value and collaborative delivery of public goods. Whether and how that can be achieved will include a timely consideration of the consultation responses of commoners and other stakeholders in this study.

2.6 Wider Economic Context

The economic value of commons in monetary terms is not capable of articulation, especially within the scope of this study. Clearly the importance of the agricultural value of pastoral commons is important to communities of graziers. Even here this cannot be expected to reflect similar values since the scale of commoning, the relative importance of the common and the alternative opportunities to use time in other activities suggest a more complex picture. The reality is that pastoral commoning has been noted as in decline for many decades in respect of numbers of participants. The Royal Commission on Common Land 1955-1958 noted that from the 1870's to the Second World War the depressed economic state of agriculture led to the disappearance of commoners particularly in the uplands. The impact of traffic on commons with unfenced roads was cited as a notable influence whilst

[16] Dr Janet Dwyer, *The Economics Of Extensive Livestock Grazing After CAP Reform 2005, Countryside and Community Research Unit, University of Gloucestershire*, September 2005.
[17] www.countryside.gov.uk/LAR/ archive /board_meetings/board/papers/CA_AP02. 17.03.08.

many authorities in lowland England reported to the commission remarks such as 'no known commoners' Graziers on urban fringe commons the Commission asserted had real problems in exercising their rights due to difficulties with litter, dogs and other disturbance.[18]

As a source of direct economic benefit the financial value of commons has become increasingly marginalised and subordinate to the values ascribed by an increasing range of non right -holder stakeholders who may be local but increasingly more distantly domiciled. This suggests that to evaluate the importance of commons in a pecuniary sense may be inappropriate with the exception of the pastoral participants.

2.7 Social Values

Commons have a special link with social values; by definition the concept of communal.

The underlying issue of primary production supporting fewer farming families is not only part of a long term pattern , but now is perceived as reaching a critical stage. Brown has evidenced a decline in grazing levels and participation in pastoral communing in the crofting communities where Grazing Clerks reported only 50% of shareholders as active graziers and 76% of shares actually used.[19]

The decoupling of support payments has put the underlying agricultural viability into sharper focus. Policy also focuses more on initiatives to add value and shorten supply chains. Paradoxically public goods of high value interact with and depend on the farming practices of commoners and their low value economy. The inter-relationship between these two facets of economic values seems to encapsulate a complex challenge.

Brown's analysis of Common Land in Western Europe focuses on the social opportunities with specific reference to England [inter alia.]. On the one hand for isolated farmers the carrying out of communal shepherding tasks such as gathering, or attending, shepherds' meets and commoners group meetings in itself provides valuable social interactions and the building of social capital. Such interactions contribute beyond the confines of the common.

"You must co-operate on these fell farms, especially with these common lands….when it's widespread and you're depending on farms in other valleys getting your stray sheep… and that therefore builds up quite a common thing in the social world as well, because they are your neighbours and you know their feelings …you get on better with them when you meet up in groups or meetings and such like"

Strengthening social cohesion allows networks to function for the sharing and exchanging of knowledge and other resources. Seasonal labour needs, help at times of illness and difficulty and even word of mouth recommendations of diversified

[18] Cmnd. 462, paras. 108,137,138.174.
[19] Katrina M Brown. *The Role of Common Grazings in Rural Development, The Crofter , 2002,Number 57*, p.4.

businesses are all identified.[20] There is evidence of the potential for considerable progress in the building of social capital for the mutual benefit of pastoral commoners and the wider rural and non rural population. The multi -functional role of pastoral commons invites initiative to test such possibilities.

2.8 Capacity Building

Over time a number of organisations have formed to advocate on behalf of pastoral commoners and to build bridges with other stakeholders. The New Forest Defence Association was one of the earliest. Formed in 1909 at a time when the growing urban population of Southern England were increasingly the cause of concern to commoners, it has a long history of advocacy. More recently the New Forest National Park set up a Commoning Review as one of its first priorities. Described as 'a commoner led review' the process demonstrates the potential for mutual respect and support. Key sections deal in a detailed and informative way with economics, environment and critically the issue of encouraging a greater involvement by young commoners in shaping the future of commoning. The outcome has been to recommend the establishment and support of a young commoners groupand has already resulted in the first phase of an affordable housing programme.

Following the 1985 Dartmoor Commons Act the Dartmoor Commoners Council was established and more recently in response to changing market and environmental circumstances other groups have formed. The Federation of Cumbria Commoners [2003], The Federation of Yorkshire Commoners and Moorland Graziers [2004] and the Welsh Commoners Forum [2007] alongside the Dartmoor Commoners Council, all provide clear encouragement to commoners and others to work in the common interest. These groups have tangibly demonstrated the capacity to work positively to sustain pastoral commoning. The combined outcomes of these initiatives can properly be described as building social capital; a key issue in adjustment to change.

2.9 Education, Academic Research, and the Cultural Landscape.

On the wider front Commons are gaining the interest of educational interests including academic researchers. Currently a three year project *'Contested Common Land ': environmental governance, law and sustainable land management c.1600-2006* is being funded by the Landscape and Environment Programme of the Arts and Humanities Research Council. The programme is a joint study by the Universities of Newcastle and Lancaster. The project focuses on local management of commons since the 16th century, tracing governance mechanisms in the light of the changing legal context and changing perceptions of the value placed on common land.[21].

To celebrate the UK Year of the Visual Arts in 1996 the internationally known sculptor Andy Goldsworthy proposed his *Sheepfolds* project for Cumbria, inspired by the cultural landscape of the pastoral commons and the interactions between the farming community and their environment[22].

---

[20] Katrina M Brown,'Common Land in Western Europe; anachronism or opportunity for sustainable rural development', *IASP European Conference, Brescia, Italy, 2006*. The paper focuses on common land in Scotland and The Lake District.

[21] Website [currently under construction] at http://commons.ncl.ac.uk/

[22] Michael Hue-Williams, *Andy Goldsworthy Sheepfolds*,London.nd. circa 2000.

Currently a proposal to seek World Heritage Status for the Lake District as an exceptional landscape and place further links to communal grazings. The steering group make particular mention of the *'statesmen's landscape'* and the assessment of outstanding significance refers specifically to *'Commons: valued for their visual openness'* and to the history of communal land management as unenclosed grazing .[23]

2.10 Environmental Values of Pastoral Commons and Cultural Landscape

The summary in tables 3.2 and 3.3 illustrate the relative environmental value of England's common land and endorse the description by Jim Knight that they are of exceptional environmental value. The list illustrates quantitatively the significance of common land in respect of landscape flora and fauna although some qualitative improvements remain key objectives for Natural England. Additional values include access which following the CROW Act [Countryside and Rights of Way Act 2000] embraces all common land much of which had long been used by custom.

Prominent among those who recognised the 'public goods' linked to commons were the literary figures of the Lake District. Wordsworth successfully led the opposition to enclose Grasmere common by the agent of Lady le Fleming, leaving the common in its state of semi natural beauty and the commoners with their rights of commonage and goosage.[24] The Laureate held local hill farmers in genuine regard and expressed their capacity to appreciate the cultural landscape in his poetry

'and grossly that man errs who should suppose,
That the green valleys, and the streams and rocks,
Were things indifferent to the shepherd's thoughts'..
[William Wordsworth, The Sheep Fold]

Canon Hardwicke Rawnsley the prime mover in the establishment of the National Trust and profoundly influenced by Ruskin, wrote with deep commitment and understanding of commoning in his description of being *'on Hellvellyn with the shepherds'* showing genuine understanding of the special cultural nature of communal grazing and its effect on commoners he quoted from a poem by the shepherd *'Jossy'* remembering a colleague who had died at his post:-

"Well met are the shepherds from Wythburn and Naddle,
From Matterdale, Patterdale ,far,far away;
Well met are the sheep who, in spite of the raddle,
And ear-bit and flank-smit, have wandered away'…[25]

The words describe the complex identification system thought to derive from Viking times. The continuance of large areas of contiguous commons has ensured the survival of such customary practices and the associated gatherings or shepherd's meets albeit under somewhat different arrangements.

---

[23] Chris Blandford Associates,*Lake District Candidate World Heritage Site*, Steering Group-Technical Advisory Group Report2006.The Statesmen's Landscape [p.6.]
Proposed Lake District World Heritage Site*, Study of Cultural Landscape Significance*, Chapter 4, p.22.

[24] K MacLean, *Agrarian Age, A Background for Wordsworth*, London 1950, p.21.

[25] Quoted by HD Rawnsley from his day at the shepherds' meet , in Rev.HD Rawnsley , *Life and Nature at the English Lakes,* Glasgow1902,p.241.

Almost seventy years on Crayston Webster a Westmorland land agent wrote on the issue of enclosure and the commons in his prize essay in the journal of The Royal Agricultural Society 1868. He summarized the continuing resistance to enclosing commons and the nature of the objections:-

'perhaps we should more seldom enjoy a leg of four year old wether mutton, while the school of lake poets would doubtless pronounce it as a ruthless profanation, if their grand mountains were to be defaced by rigid lines of six-foot walls, set out by the surveyors parallel ruler.':-

The observations show a continuing sensitivity and emerging interest in public goods. The reference to landscape is clear, but additionally the potential loss of four year old wether mutton has a resonance with the modern concept of slow food, a potential market for the twenty first century.[26]

English Heritage do not have separate data-sets for commons in respect of archaeological sites, although the inclusion of data for Scheduled Ancient Monuments [SAM] suggest that commons may be disproportionately important. The Council for British Archeology stated in 2000:-

'In particular the combination of ancient common rights and 19th century legislation have fortuitously conspired to keep much common land open and unimproved which in turn has served to preserve archeological sites monuments and landscapes in a far better state than in surrounding areas of more intensively farmed and developed land.'[27]

Muir ascribes some of the finest prehistoric settlement and field remains to their association with common land .Examples include the Iron Age field settlements in Wharfedale, most of the Bronze Age settlements and Reaves on Dartmoor and a variety of Romano-British and Roman remains in the Pennines.[28]

These examples show the strong relationship over time between environmental values and pastoral commoning. Changing approaches to management need to sensitively respect the multiple values of common grazings as a continuum of fundamental value.

Fig 2.3 illustrates the decline in the grazing of lowland commons and contrasts with the continuing salience of upland commons to farming businesses, albeit in a state of increasing fragility.

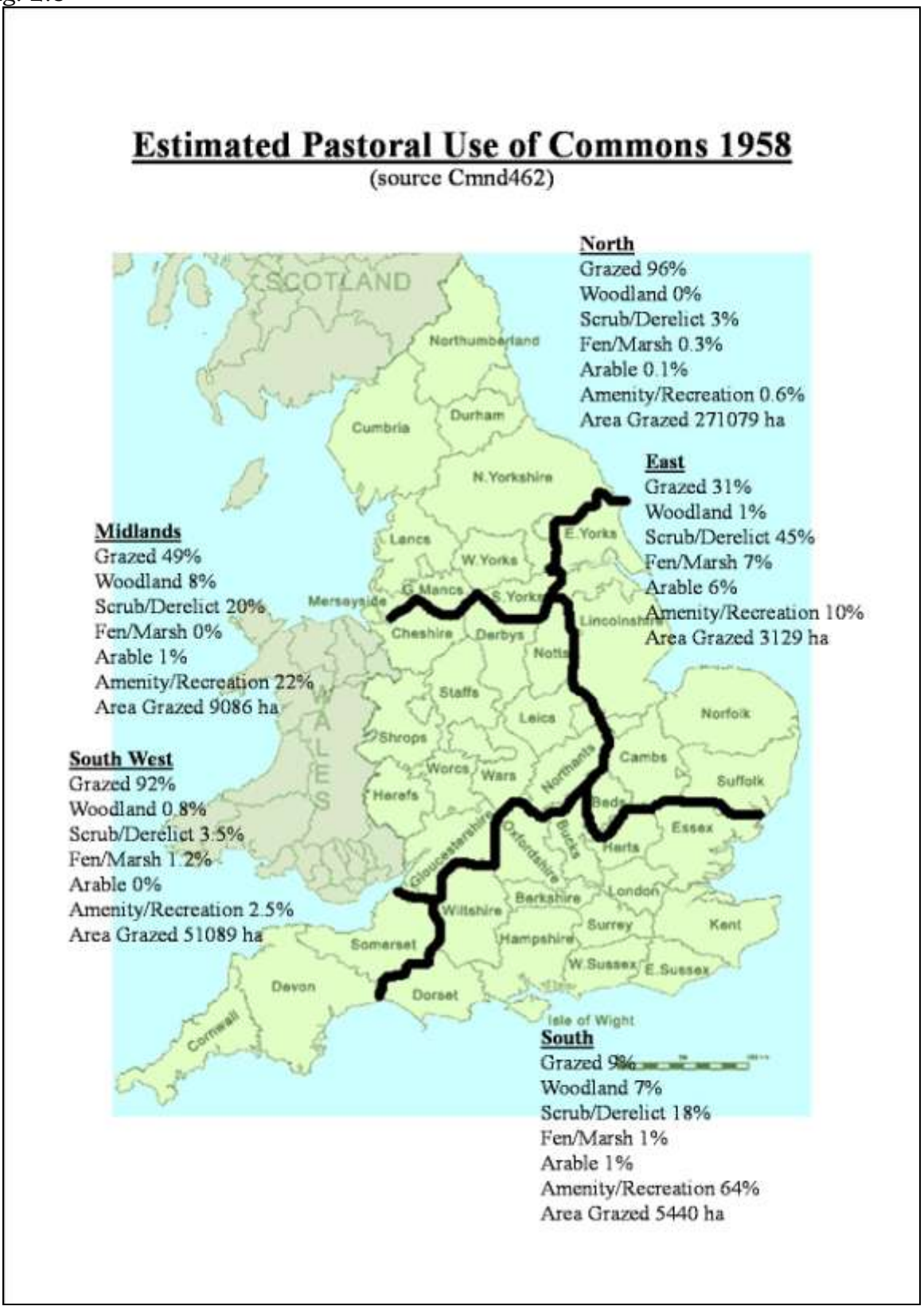
Several of the Commoners Groups are engaged in work to foster understanding of pastoral commons including the New Forest and Dartmoor in collaboration with National Park Authorities and in other broadly educational activity. The Federation of Cumbria Commoners produced a DVD for decision makers to provide a focussed explanation to those less directly engaged with commoning but with responsibilities relating to it.

---

[26] Crayston Webster,'The Farming of Westmorland', *Journal of the Royal Agricultural Society of England, 2nd. Series. Vol 4*, p.16.
[27] Comments to DETR , April 2000 *, Consultation on Greater Protection and Management of Common Land in England and Wales*. www.britarch.ac.uk/conserve/Commons.html date 10.02.08.
[28] Richard Muir, *The New Reading the Landscape*, Exeter 2000, pp.62-63.

Recognising the limitations from data at the time of the Royal Commission on Common Land 1955-1958 the report does nevertheless provide information that gives an estimated use of pastoral commons at that time.

Fig. 2.3



For England and Wales in total the estimates of usage were summarized as:-

33% stinted grazing and 46% unstinted , with 1.9% woodland, 0.3% arable, 0.6% bog fen and marsh, 7.8% scrub and derelict and 10.4% amenity and recreation.[29]

2.11 Diversity on England's Pastoral Commons

Any study of pastoral commoning will confront the issue of diversity which paradoxically makes description, analysis and progress challenging. Fig 2.4 illustrates some of the key variables from which even more complex combinations may arise. However the use of representative case studies can be valid and useful with sensitive interpretation. Using a range of types with a regional distribution to reflect major groupings and with an awareness of the issue of bias can identify some of the issues of diversity and change; informing the next stage of research and as a more immediate issue, policy development. Clearly the complexities of pastoral commons need first to be identified and generally characterized as a precursor to more intensive and detailed study.

2.12 The Commons Act 2006 and Pastoral Management Governance Characteristics of Pastoral Commons in England.

'Good neighbourhood' has characterised the shared aims of governance in relation to pastoral commons so long as formal arrangements have been described.[30] Reciprocity and respect have been the glue that has bound commoners together. Yet over the last two centuries the system of governance has been in decline. Many writers on the subject have noted the critical importance of 'salience' in sustaining active management.[31] Yet the institutional arrangements are clearly vestigial at a time when the perceived importance and potential role of pastoral commons, at least in relation to public goods is of a high order.

The manorial courts provided a relevant form of delegated legal jurisdiction that enabled communities to manage the use of commons though shared responsibility through mutually agreed rules. Those courts are long gone with the few survivors retaining only limited customary controls.

A number of commons regulated under the Commons Act 1876 have bodies of Conservators made up of varying representation of commoners, owners and others. Other commons have management arrangements under specific legislation. For example Town Moor Newcastle upon Tyne is subject to the Newcastle upon Tyne Town Moor Act 1988, whilst the Dartmoor Commons are subject to the Dartmoor Commons Act of 1985. In the case of the New Forest the Court of Verderers is a widely acknowledged example of a management system that is still of critical importance and influence.[32]

---

[29] L Dudley Stamp, *The Land of Britain, Its Use and Misuse,* Third Edition , London 1962, p.484.
[30] A Winchester , *The Harvest of the Hills,* Edinburgh 2000, pp. 39-40, 45-47.
[31] Katrina M Brown, *Common Land in Western Europe:anachronism or opportunity for sustainable rural development, IASCP European Conference, Brescia, Italy 2006*.
[32] See Land Use Consultants. *Agricultural Management of Common Land in England and Wales*, prepared for DEFRA, Feb 2005.

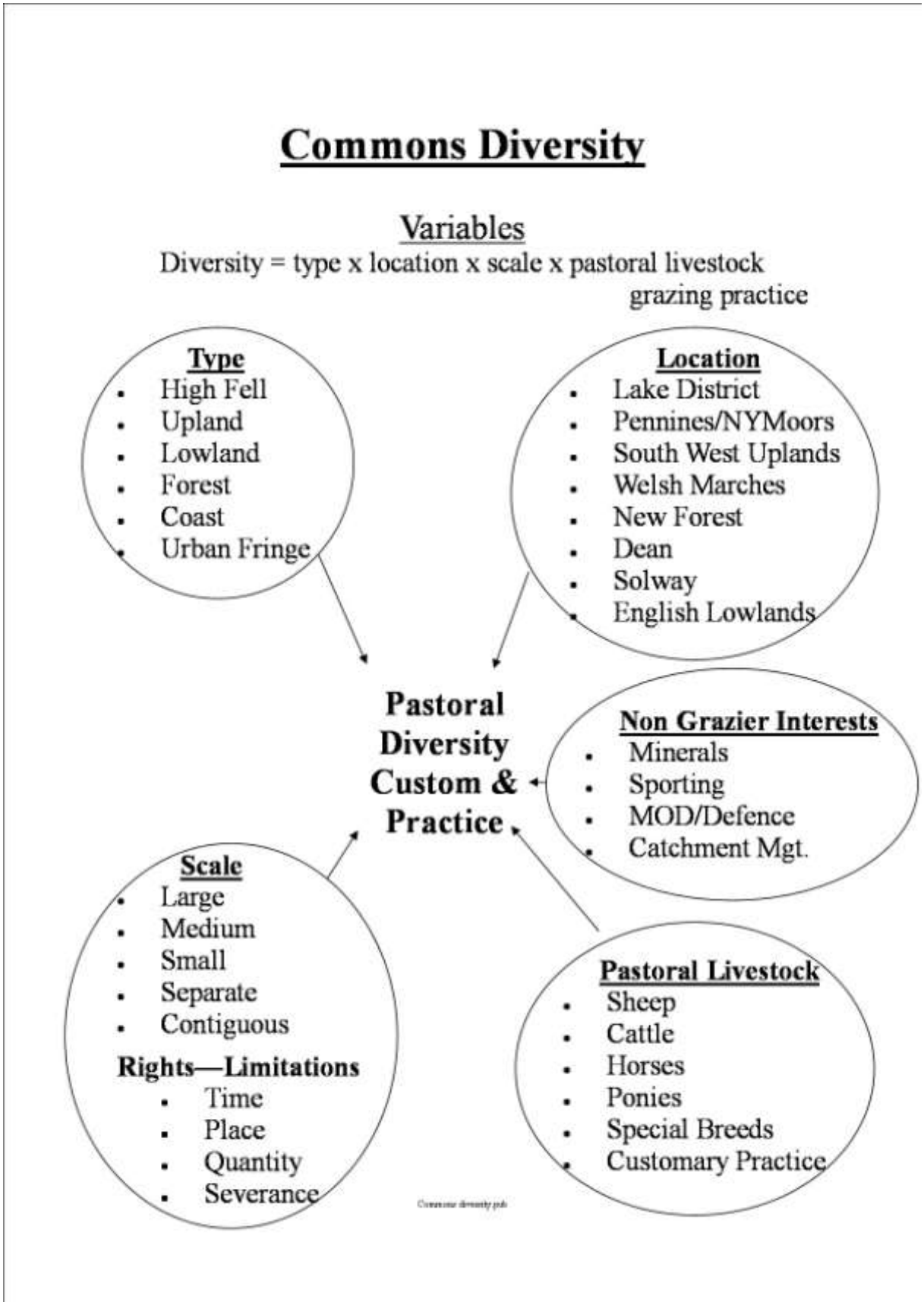

Commons Diversity
Variables
Diversity = type x location x scale x pastoral livestock grazing practice
Type
High Fell
Upland
Lowland
Forest
Coast
Urban Fringe
Location
Lake District
Pennines/NYMoors
South West Uplands
Welsh Marches
New Forest
Dean
Solway
English Lowlands
Pastoral Diversity Custom & Practice
Non Grazier Interests
Minerals
Sporting
MOD/Defence
Catchment Mgt.
Scale
Large
Medium
Small
Separate
Contiguous
Rights—Limitations
Time
Place
Quantity
Severance
Pastoral Livestock
Sheep
Cattle
Horses
Ponies
Special Breeds
Customary Practice

Fig 2.4

For the majority of pastoral commons however the governance has become reliant on voluntary collaboration or consensus through voluntary associations possessing almost no capacity to take binding decisions. Such associations have increased in

number to act in relation to agri-environment agreements. In some locations, groups of commoners over a wider area, formed umbrella organisations to improve their capacity to sustain active pastoral use. The Cornish Commons provide an example; through the Cornwall Commoners Association,[33] formed as mutual aid organisation in 1936, in response to the difficulties facing graziers at that time.

In 1967 a study in land use conservation and management of commons in England and Wales financed by the Nuffield Foundation was published to provide practical management proposals based on field studies, though neither that study nor the Common Land Forum of 1986 effected a real change in the pace of progress, but marked an underlying identification of the importance of management structures.[34]

More recently in response to contemporary need several new umbrella groups representing large constituencies of pastoral commons have emerged. In 2003 the Cumbria Federation was formally established and subsequently afforded affiliation status to Lancashire commoners. The Federation of Yorkshire Commoners and Moorland Graziers, and the Welsh Commons Forum followed closely. This timely development was not only to provide a voice for commoners but to promote more effective communication between and mutual understanding of stakeholders. Subsequently discussions have progressed and moves initiated to establish a national network or Foundation for Common Land which through an Observatory will provide a single point of contact for all stakeholders. Objectives are intended to embrace education and trans-national links.[35] These trends suggest that in spite of the reduced salience of commoning there remains an underlying commitment and attachment to a special and perhaps unique element of pastoral husbandry.

Much has been written about the so called *'tragedy of the commons'* and the consequences of individual rather than a communal focus on use. There is a clear need to distinguish between *'open access resources'* [*res nullius- no ones property*][36] and *'common property resources'* in which the concept of property and rights is fundamental. A common property right is a claim to a benefit stream and properly describes pastoral commoners in England. However rights and responsibilities are inextricably linked and the lack of robust governance of commons is of wide concern to graziers and to the stakeholders in public goods that are consequential on pastoral practice.

This recent movement to establish better communications and mutual understanding suggests that in spite of the perceived decline in pastoral commoning there remains a strong aspiration to regenerate and sustain the associated husbandry practices within a modern framework of management. In order to be effective, those engaged in common property regimes need to be no less

[33] Denman Roberts and Smith, *Commons and Village Greens*, London 1967, p.373.
[34] See DR Denman, RA Roberts, and HJF Smith, *Commons and Village Greens,* London 1967.
[35] See Appendix F for diagrammatic outline. For further information email info@cumbriacommoners.org.uk
[36] David W Bromley,' Commons, Property, and Common-Property Regimes', in Daniel W Bromley[General Editor] and [Co-Editors] David Feeney, Margaret A McKean, Pauline Peters, Jere L Gilles, Ronald J Oakerson, C Ford Runge, James,T Thomson, *Making the Commons Work,* San Francisco, 1992.p.4.

able to exercise rights and responsibilities than those grazing comparable land in sole occupation.

The 2006 Commons Act focussed clearly on improved agricultural management as a key aim of the legislation.

'There has been a lack of effective mechanisms for managing agricultural activity , in particular grazing, on common land…Part 2 of the Act will enable the appropriate national authority to establish commons councils without the requirement for primary legislation…. Commons Councils will also be able to secure compliance with such agreements [ie.agri -environment] through their rule-making function.'[37]

The findings of this research will need to be carefully considered in relation to the 2006 Act particularly respecting the issues of management of a multi-functional resource and the inter-relationships between stakeholder interests. Delivery in practice needs to adequately recognise the unique role and responsibility of those holding common grazing rights.

[37] Explanatory Notes, *Commons Act 2006,* Chapter 26pp.7-8.

3. OVERVIEW OF PASTORAL COMMONS TYPES AND PRACTICES

3.1 Introduction

The localised nature of the origins of commons dictates that the categories set out in this section of the report should be viewed not as divisions but rather as the colours of a spectrum that merge, often seamlessly, into one another. Each common has its own particular character, traditions and identity, even though it forms part of this broader picture.

This duality is evident in the physical attributes of commons. On the ground, and especially in the upland areas, they often run undetectably into an adjacent common, or into contiguous unenclosed land that lacks the status of common. To many, this boundary is both unseen and irrelevant; recreational users, for example, can know and enjoy the attraction of their environment, regardless of its particular legal status. Particularly in modern times, for many purposes the boundaries that divide commons from each other and from other land are inappropriate ones. Statutory bodies, such as County Councils and National Park Authorities are much more likely to have policies relating to, say, moorlands or public amenity areas than to common land as such. The attributes of an area that make it worthy of a conservation designation, again particularly in the uplands, will often not be linked to the boundaries of a specific common; thus it is more appropriate for SSSIs to straddle both commons and other land, and their individual units to be based primarily on, say, habitat types rather than limits that were established many years ago and which serve a different purpose.

Yet for individual commoners, and their neighbours, these boundaries remain of the utmost significance. The history of common land is filled with examples of prolonged and expensive litigation brought in order to establish the precise boundary of a common, often involving quite small tracts of land. Traditional hefts and livestock gathering practices are based firmly upon these limits, even though the inevitable overlap at unfenced boundaries will usually make co-operation with adjoining commoners or other farmers highly desirable. Traditional husbandry cannot be divorced from the characteristics and demands of commons and their established boundaries.

One of the consequences of the inappropriateness of commons boundaries for many modern-day purposes is that data relating specifically to common land is often either not available, or is only indirectly or partially so. The principal sources for the outline descriptions that follow are the MAGIC maps and the Natural England "Nature on the Map" data,[38] the Natural England Character Area landscape descriptions (JCAs) and Natural Area profiles (NAs) and the Biological Survey reports[39].

For the purposes of the present report, all these sources have some limitations. Although the MAGIC maps provide an immense amount of detailed data, they do not enable more than estimates to be made of common land areas in relation, say,

[38] *www.magic.gov.uk* ; *www.natureonthemap.org.uk*

[39] *The Common Lands of England - A Biological survey 1988-2000.* The work was carried out by the Rural Surveys Research Unit at the University of Wales, Aberystwyth on behalf of the NCC and its successors.

to SSSIs; they reveal the existence and scope of agri-environmental agreements, but since the content of these is normally confidential, no assessment of any changes to grazing patterns and levels can be derived from them. The "Nature on the Map" information includes details of individual SSSI units, but does not distinguish between common and other land, except very occasionally as part of the comment on a particular unit; the site contains no information on undesignated common land.

The Character Area and Natural Area material can give a good general overview, but covers a wider area and does not distinguish common land as such. The descriptions were produced over a decade ago and may not always reflect the situation in 2008. In contrast, the Biological Survey deals exclusively with common land. However, because it is based upon registration counties, its very detailed data and summaries are not aligned to the broad common types related to grazing that this report uses, which do not follow county boundaries. This survey, too, was produced almost a decade ago and is often based on much earlier material.

In addition to the main sources referred to above, each of the outline descriptions that follow draws on other relevant material, particularly in relation to grazing and grazing levels. The contrast between upland commons, regarded as subject to overgrazing pressures since at least the 1970s, and lowland commons, which are increasingly the subject of undergrazing concerns, is evident throughout. The overgrazing issue has been explored in a number of literature reviews[40].

Data relating to overgrazing has tended to be concentrated on areas designated as SSSIs. Table 3.1 shows an analysis of the PSA target condition assessments for the whole of the English SSSI area, together with the figures for common land both as a whole and as the part that is under a CSS or ESA agreement[41].

It should be noted that the agreement figures do not include WES or ES agreements; the addition of these would raise the proportion of SSSI common land which is in some form of agri-environmental agreement from the 49% shown (102,996ha out of 210,806ha) to well over half.

The importance of common land in the context of statutory designations generally is well illustrated in Table 3.2; a breakdown of the figures into land above and below the 300m contour follows in Table 3.3. These figures are based on a total area of common land of 369,394ha (about 3% of the total land in England)[42].

[40] *See e.g. Review of the historical effects of burning and and grazing blanket bog and upland wet heath, English Nature Research Reports No. 172,* and, more recently, the *Report on the Impact of Hill Farming, Vol 2 paras 2.1.6 and 2.1.16,* prepared for Defra in 2004 by the IEEP, Land Use Consultants and GHK Consulting.

[41] Source: Natural England, 2007 figures. The current overall condition assessment proportions are "favourable" 45%, "unfavourable recovering" 35%, "unfavourable no change" 14% and "unfavourable declining" 6%.

[42] Areas exempt from registration, such as the New Forest, bring the total to 399,040ha

Table 3.1

	National SSSI condition		*SSSI registered as Common Land*		*SSSI registered as Common Land under CSS and ESA*	
SSSI condition	*Area (ha)*	*%*	*Area (ha)*	*%*	*Area (ha)*	*%*
Favourable	*482,031*	*45*	*39,641*	*19*	*16,310*	*16*
Unfavourable recovering	*329,578*	*31*	*102,511*	*48*	*57,418*	*56*
Unfavourable no change	*171,056*	*16*	*56,520*	*27*	*24,441*	*24*
Unfavourable declining	*90,926*	*8*	*11,992*	*6*	*4,695*	*4*
Part destroyed	*710*	*0*	*142*	*0*	*132*	*0*
Total area	***1,074,301***		***210,806***		***102,996***	

Table 3.2

Designation	Area (ha)	Area of common land (ha)	As % of total common land	As % of designation
National Park	1,051,275	176,660	48%	17%
AONB	2,063,611	112,204	30%	5%
SSSI	1,076,980	211,003	57%	20%
SAC	967,923	179,528	49%	19%
SPA	727,890	122,107	33%	17%
Ramsar	374,932	8,265	2%	2%
SAM	49,742	5,504	1%	1%
Land with any of the above	4,082,621	323,739	88%	8%

Common land can, of course, be subject to rights of common other than grazing rights, but none of these are of major significance in modern times. Of much greater importance are a variety of uses based on other rights. The sporting rights will normally belong to the owner of the common; their use may often have a significant effect on the management of the land and this aspect is referred to briefly in the

sections that follow. Of more universal application is the use of common land for a variety of recreational activities, whether through custom or by virtue of the legal right of access created by the Countryside and Rights of Way Act 2000 or earlier legislation. This use, also, is referred to only briefly in these descriptive outlines, but may, particularly for lowland commons, have a major influence on the potential for the exercise of grazing rights.

Table 3.3

		Above 300m			Below 300m		
Designation	Area (ha)	Area of common land (ha)	As % of total common land	As % of designation	Area of common land (ha)	As % of total common land	As % of designation
National Park	1,051,275	128,106	35%	12%	48,554	13%	5%
AONB	2,063,611	71,398	19%	3%	40,806	11%	2%
SSSI	1,076,980	140,635	38%	13%	70,368	19%	7%
SAC	967,923	129,390	35%	13%	50,138	14%	5%
SPA	727,890	84,761	23%	12%	37,346	10%	5%
Ramsar	374,932	0	0%	0%	8,265	2%	2%
SAM	49,742	2,436	1%	5%	3,068	1%	6%
Land with any of the above	4,082,621	213,860	58%	5%	109,878	30%	3%

Common Types

This report has divided the Common Land into the following types (table 3.4) and here follows a description of each type as a result of a desk study. Each broad type except Lowland, Coastal and Exempt is described under the headings: Location, Landscape and Land Cover; Designations and Agri-Environment Agreements; Grazing, Grazing Levels and Change. The exceptions use some example commons to give a picture of the main characteristics.

The vast majority of grazed common land is in hill and upland areas hence the category hill and upland has been subdivided by region and within each region. A map showing the geographical area each type covers is attached at figure (3.1).

Table 3.4

Type	Region	Name
Hill and Upland	North	Lake District
		Pennines North
		Pennines Limestone
		Pennines Urban
		North York Moors
	South West	Exmoor
		Dartmoor
		Bodmin
Lowland	National	
Coastal	National	
Exempt Commons[43]		New Forest

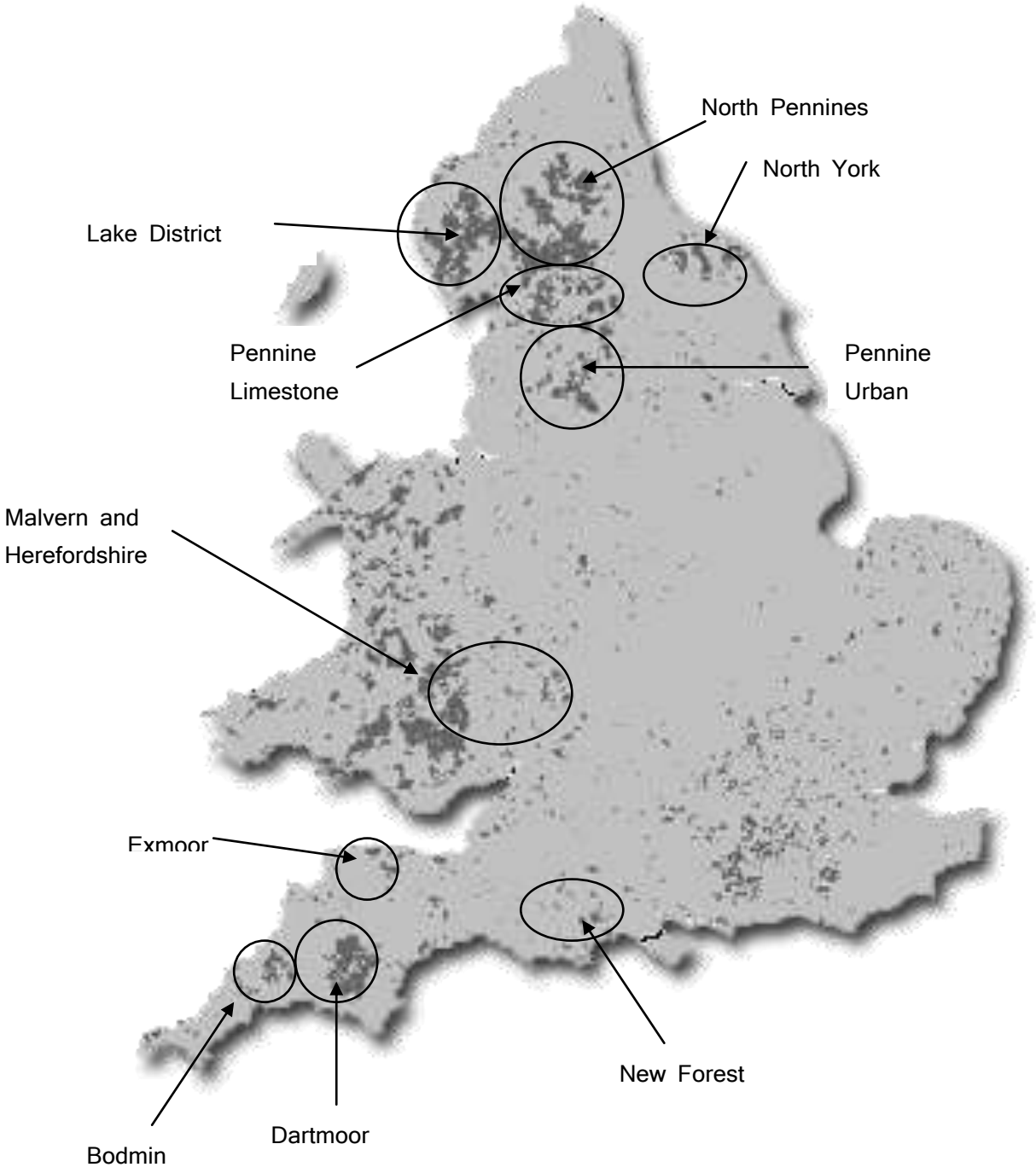
Stakeholder Data

Stakeholders were interviewed using the questionnaire (see appendix C) to obtain up to date information and to ground truth the findings of the desk study. In the process of undertaking the report we found the information collected from these interviews contributed substantially to the body of knowledge on Pastoral Commoning, both the current state and future trends and we have therefore included the results in Chapters 4 and 5 including comparing the results of Commoners with Stakeholders. The reason is that the interviews produced "living" data of great interest which we felt would be lost if merged into the more academic desk study. Additionally such data while valid as the view of the person(s) being interviewed, is subjective and dependant on their personal and professional experiences. Details of the stakeholders included are given in section 4 at table 4.5.

[43] *Exempt commons are those that are not subject to the Commons Registration Act 1965. The New Forest is the largest example of this type.*

Distribution of Commons Types

Fig 3.1 (Lowland and Coastal Commons are distributed across the country so are not marked)



3.2 HILL AND UPLAND (above LFA Line)

3.2.1 NORTH

3.2.1.1 LAKE DISTRICT

LOCATION, LANDSCAPE AND LAND COVER

The Lake District is bordered on the northwest by a low lying coastal strip of land leading on to the Solway Firth, and on the east by the Eden Valley. To the southeast it merges into the Orton and Howgill fells, which in turn lead to the Yorkshire Dales. A gentler landscape, to the south, runs down to Morecambe Bay.

"The wild, exposed and open high fells are characterised by rough grassland, dwarf shrub heaths, peatlands, bracken and areas of rock outcrop and screes. In the north and west, the Skiddaw Slates have been eroded to form smooth, steep-sided rounded humps such as Blencathra, Skiddaw, Black Combe, Bowscale, Carrock Uldale and Caldbeck Fells. In the south, the harder Borrowdale Volcanics result in the rugged scenery of exposed crags, ridges and vertical rock exposures characteristic of the Helvellyn, Sca Fell, Buttermere and Langdale ranges. The presence of rock basins, arêtes, gills, tarns, waterfalls and fast-flowing streams form distinctive elements in the landscape. Deep, U-shaped glaciated valleys radiate from the central core of the area to form typically steep-sided, open, rugged fellsides with rocky outcrops and boulder-strewn fields. The exposed hillsides, which consist of unimproved rough grazing land and are drained by narrow ghylls and streams, form semi-wild and rugged landscapes." (JCA8)

Nearly a third (63,993ha out of 199,000ha) of JCA8 is common land (see Fig 3.1). Three major groupings surround Keswick; to the north is Caldbeck and its associated commons, to the west the Buttermere and Derwent fells, and to the south the Helvellyn/Langdale ranges. Between Penrith and Windermere lie the eastern group, while in the west there is an almost unbroken chain of commons running from Ennerdale down to Black Combe in the far south.

"The high fells today consist predominantly of grasslands with a range of dwarf shrubs, heaths, peatlands and bracken, with broadleaved woodland on the deeper soils. Rocky outcrops and screes are also common. "(JCA8)

DESIGNATIONS AND AGRI-ENVIRONMENT AGREEMENTS

The Lake District National Park covers 2,292km², an area that is broadly similar to JCA8 but with the addition of the more low-lying ground to the south and southwest of Windermere. Some 18% (42,000ha) of the National Park has SSSI status (see Fig 3.2). Major SSSIs with a high percentage of common land include the Skiddaw Group SSSI (10,384ha), the Buttermere Fells SSSI (6,144ha) and the Helvellyn & Fairfield SSSI (2,488ha). These all form part of the Lake District High Fells SAC (27,004ha). In the south, and just outside the JCA8 boundary, is the Subberthwaite, Blawith and Torver Low Commons SSSI (1,862ha), which also has SAC status.

The Lake District ESA is a "whole farm" Stage III scheme introduced in 1993, with a total eligible area of 205,000ha. Uptake for common land started relatively slowly, so that by 1997 less than a quarter (16,392ha) of the eligible tot was under

agreement. A study commissioned by MAFF found that the principal reason for common land not being entered was the difficulty in securing the agreement of all the rights holders, a secondary reason being that the stocking rate requirements were regarded as too strict.[44] Uptake subsequently increased, so that by the closure of the scheme (for new entrants or renewals in 2005 over 70% was under agreement (see Fig 3.3 illustrating uptake in the central area).

Of greater significance for commons and other upland areas is the impact of WES and SWES agreements entered into in the period following the Foot and Mouth disease devastations of 2001; this is referred to later. More recently, there are now 3 areas of common land that have entered into Higher Level Environmental Stewardship agreements, these being Brackenthwaite (Buttermere), Patterdale and Mungrisdale/Saddleback.

Grazing, Grazing Levels and Change

Grazing on the Lake District commons is overwhelmingly dominated by sheep. The relatively small numbers of cattle have been further reduced in recent years, while ponies remain limited to a handful of commons. Studies by English Nature and others during the last 2 decades of the 20th century concluded that there was a serious overgrazing problem on many fells, and on commons in particular.

"The land cover of the Cumbria High Fells reflects the landform and climate of the area and the influence of management since prehistoric times when broadleaved woodlands covered all but the highest crags. They have lost most of their natural woodland cover, suffer from impoverished soils, are subject to soil erosion and are undergoing major ecological change as a result of subsidy-induced overgrazing[45].

In response to these assessments, the uplands were targeted to achieve substantial stocking reductions. In a report entitled "Sustainable Grazing Initiative in Cumbria – 2002-2005", English Nature summarises the results achieved and the methodology used to achieve them. In many cases a combination of ESA and WES or SWES agreements were used for the same piece of ground. Although aimed primarily at SSSIs in order to secure at least a "recovering" condition assessment for PSA target purposes, the report recognises that a "whole fell" approach (i.e. to include non-SSSI land as well) was often necessary to reduce encroachment from adjoining commons, without the need for fencing on the open fell (see e.g. the commons and other unenclosed fell surrounding the Helvellyn/Fairfield SSSI (Fig 3.4)).

The often dramatic de-stocking required under these agreements (often around 70%) has raised questions as to the possible abandonment of grazing on the commons at some future time. A case study of the impact of hill farming in an area in the southwest of the Lake District[46] sets out some of the concerns thus:

---

[44] *CEAS Consultants (Wye) Ltd, Economic evaluation of Stage II and III ESAs 1997*

[45] JCA 8

[46] *"An assessment of the impacts of hill farming in England on the economic, environmental and social sustainability of the uplands and more widely", Volume III. Institute for European Environmental Policy, Land Use Consultants and GHK Consulting.*
February 2004. See Fig 3.5 for map of the area.

"Two critical issues raised by farmers and the National Trust were the level of manpower necessary to gather stock and swale (burn) the commons, which is largely independent of the number of stock kept, and the impact that reducing stock numbers has on the heft. Stock tends to wander more when stock numbers are low and the inconvenience and cost of driving round from one side of large commons to the other (a two hour trip around the Walna Scar group of commons in a Landrover) to collect a few animals that had wandered is great, relative to the benefit of keeping the animals on the common. Fortunately few commons in the area were completely slaughtered out during the FMD epidemic of 2001. This did occur on Ulpha Common and the National Trust, with Rural Enterprise Scheme money, is running a project to re-heft a new flock on the common. However, it was agreed that the high cost of doing this made it unlikely that, in the foreseeable future, any large areas of common that are abandoned would be restocked thereafter, unless under a ranching situation where free movement of stock and high losses were accepted.

It is not only the loss of livestock hefts that would make restocking of abandoned fells extremely unlikely. Farmers' knowledge of their fell (such as stock movements or prevalence of disease in different areas) is based on long experience that would be more difficult to replace, in comparison to the more uniform situation on in-bye land. It was also suggested by an NFU representative that flocks may be genetically 'tuned in' to particular fells (for instance in terms of resistance to parasites or suitability to mineral levels in vegetation)."

The SGI report (above) seeks to address these and other issues; for example, the generally higher condition score of ewes that results from much lower stocking rates, or, especially, off-wintering, leads to an increased number of twin lambs that will not become heafed on the fell in the traditional way. In spite of these attempts at reassurance, there remains substantial disagreement on the long term merits of severe de-stocking; in essence it is a divide between an approach that sees grazing primarily as a management tool to maintain or enhance the botanical character of an area and an approach that values vegetation primarily for its contribution to nutrition. Recent[47] and on-going[48] studies will improve understanding of at least some of the issues involved, but this inherent difference in approach is likely to remain. Perhaps broader interests, e.g. the Lake District's status as a candidate World Heritage Site (Cultural Landscapes), may ultimately decide where the correct balance between the differing approaches should lie.

[47] *e.g. CEH et al, Environmentally sustainable & economically viable grazing systems for restoration & maintenance of heather moorland: E&W - BD1228. 2002-2007*

[48] *e.g. ADAS UK Ltd, Assessment of the impact of hefting (heafing or learing) – BD 1242*

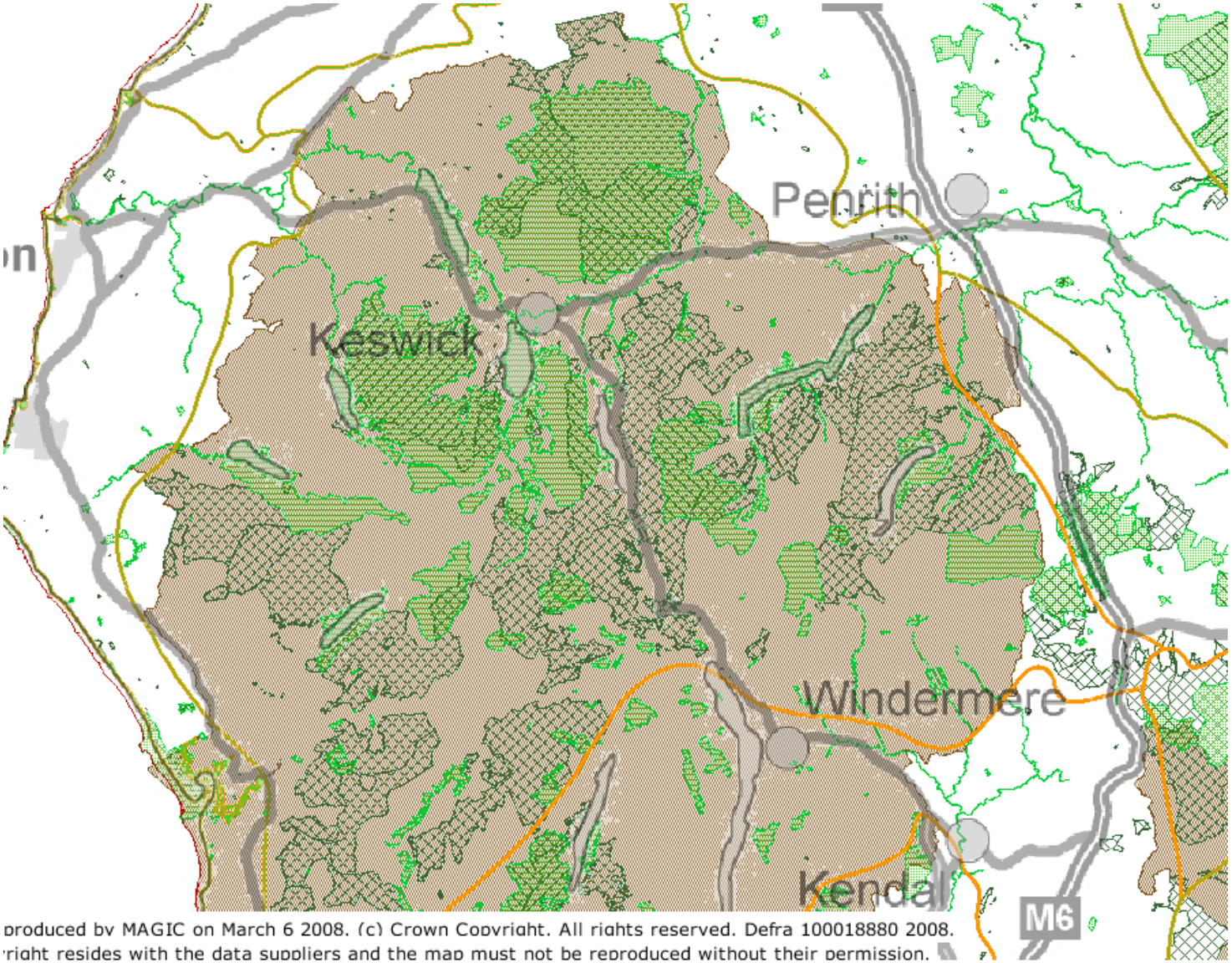
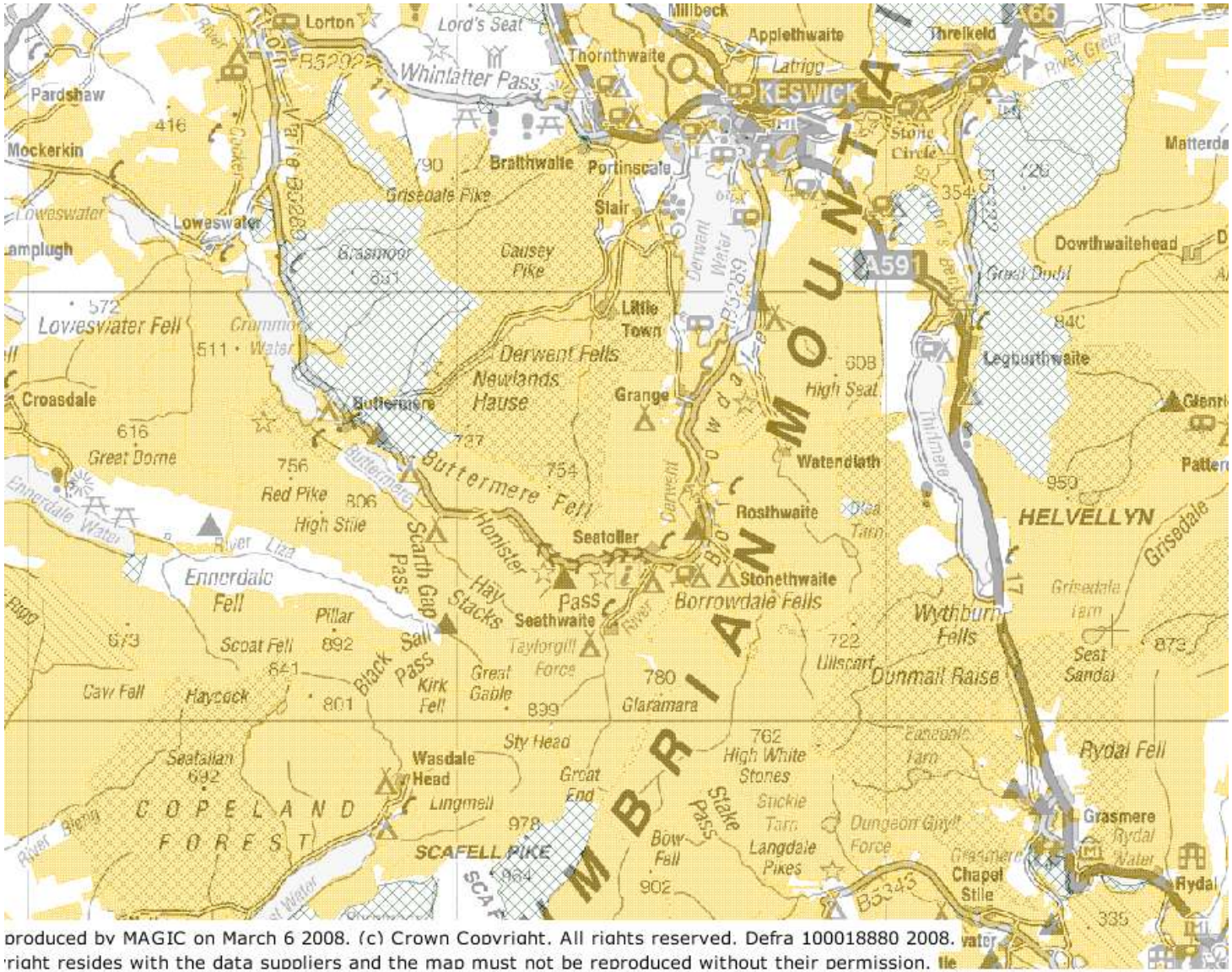


Fig 3.2

Lake District, Location of Common Land and Environmental Designations



oroduced by MAGIC on March 6 2008. (c) Crown Copyright. All rights reserved. Defra 100018880 2008.
'right resides with the data suppliers and the map must not be reproduced without their permission.
e information in MAGIC is a snapshot of the information that is being maintained or continually updated by the originating organisati
se refer to the documentation for details, as information may be illustrative or representative rather than definitive at this stage.

Fig 3.3

Lake District, Uptake of ESA Agreements

- Counties and Unitary Authorities (GB)
- Natural Areas (England)
- Environmentally Sensitive Area Agreements (England)
- Registered Common Land (England)

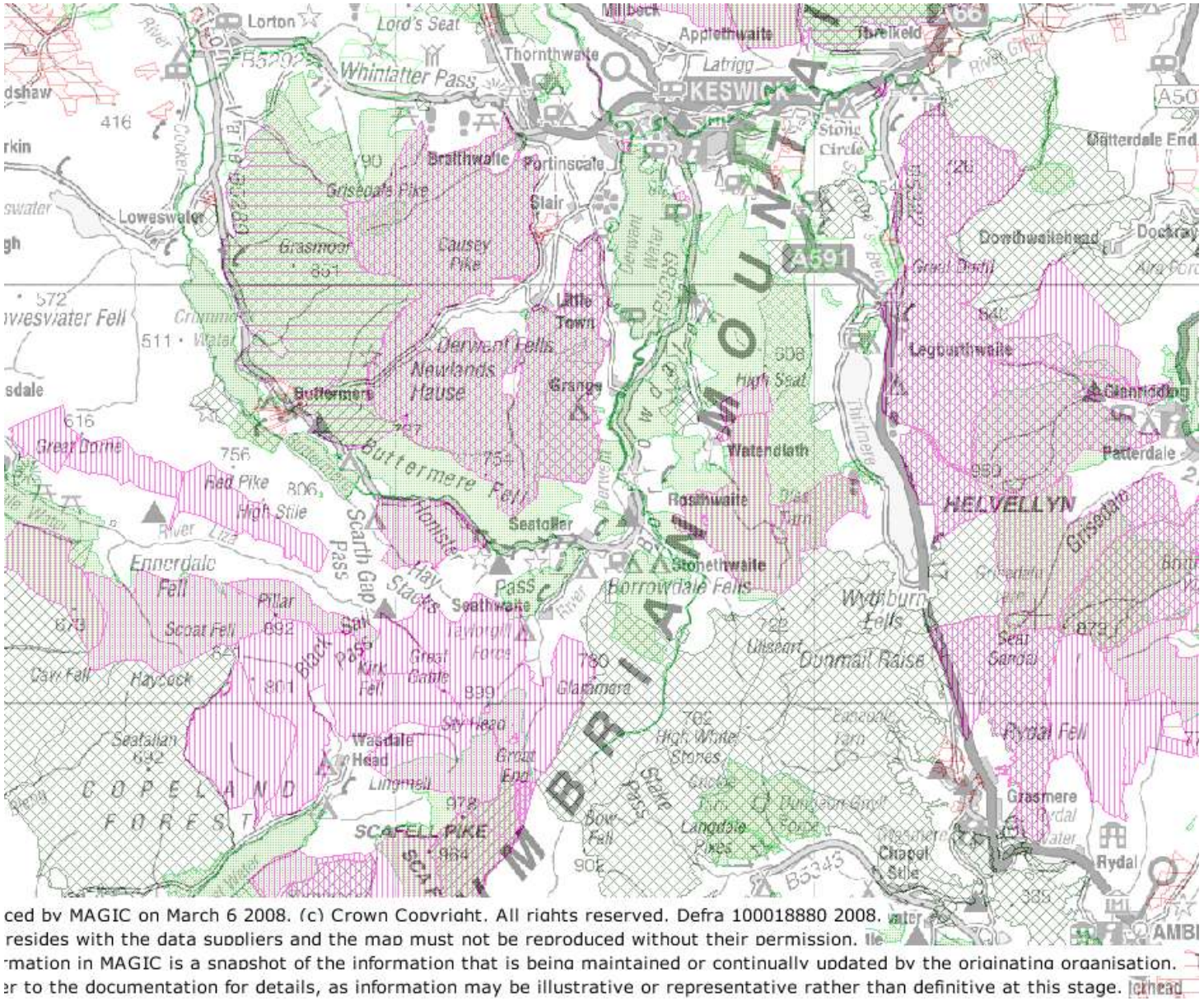
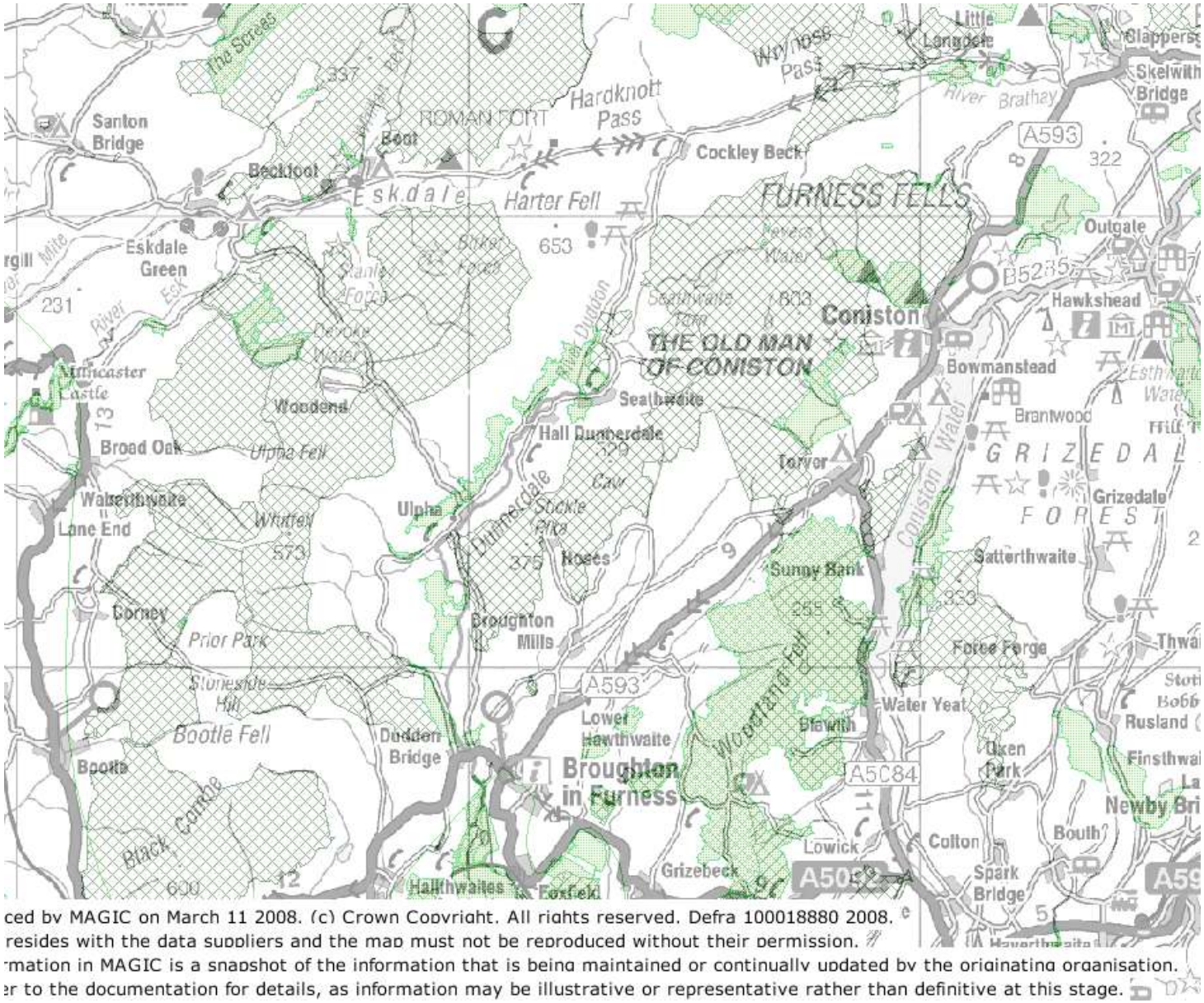


Fig 3.4
Lake District Agri-Environment Agreements (Excluding ESA's) in the Helvelyn/Fairfield Area



ced by MAGIC on March 11 2008. (c) Crown Copyright. All rights reserved. Defra 100018880 2008.
resides with the data suppliers and the map must not be reproduced without their permission.
rmation in MAGIC is a snapshot of the information that is being maintained or continually updated by the originating organisation.
er to the documentation for details, as information may be illustrative or representative rather than definitive at this stage.

Fig 3.5

Lake District, South West showing Common Land and Environmental Designations

3.2.1.2 PENNINES NORTH

LOCATION, LANDSCAPE AND LAND COVER

The area is delineated by the North Pennines AONB and Character Area JCA10 (Natural Area 4), the boundaries of which broadly overlap. Administratively it straddles the borders of 3 counties – Durham, Northumberland and Cumbria (See Figs 3.6 and 3.7) [49]

"From the high summits of Cross Fell and the bleak expanses of blanket bog on the plateau above Lunedale, to the high ridges between the eastern and northern dales, the moorland landscapes of the North Pennines are some of England's wildest places. They are home to some of our rarest and most charismatic wildlife and have an unspoilt sense of naturalness and remoteness found in few other places on our crowded islands.

This sense of wildness is more imagined than real, as even the most remote summits have been affected by grazing animals under the control of humankind for centuries. Most of our moorland landscapes are also the product of management for grouse shooting and this continues to be a key motive force in their conservation. There are few man made structures on the moors and most of those that occur, such as the redundant mine shops and smelt mill chimneys, contribute to their wild character. This, and the often dramatic weather, can make them feel like a place apart from the world below. A walk on the moors offers a sense of tranquility and isolation that is difficult to find elsewhere in England."[50]

Of the 2,146km² comprising the JCA10, some 58,624ha (27%) are common land. The commons are in 6 main blocks, the Northumberland commons to the southwest of Hexham, 3 groups of Durham commons to the north, south and west of Weardale, the Cumbrian commons to the east of the Eden valley, and the Stainmoor commons on the Cumbria/Durham border in the far south.

The 3 principal NCC Phase 1 habitat types in the AONB are set out in table 3.5[51]. The AONB as a whole (including non-common moorland) has 36% of England's upland heathland and 20% of England's blanket bog[52].

[49] The National Parks shown are Northumberland to the north, the Lake District to the West and the Pennine Dales to the south

[50] *North Pennines AONB Management Plan 2004-2009*

[51] Source: Biological Survey. These are countywide figures, but since, particularly for Northumberland, the commons are overwhelmingly located in the AONB, they may be taken as fully representative. The Cumbrian commons i.e. on the west of the Pennines North area, contain a much lower proportion of dwarf shrub heath.

[52] *North Pennines AONB Management Plan 2004-2009*

Table 3.5

County	Habitat type	Area (ha)	% of common land area
Durham	Dwarf shrub heath	10,379	36%
	Bog	8,932	31%
	Acid grassland	6,751	24%
Northumberland	Dwarf shrub heath	2,411	25%
	Bog	3,543	45%
	Acid grassland	1,322	14%

DESIGNATIONS AND AGRI-ENVIRONMENTAL AGREEMENTS

An astonishingly high 47% of JCA10 is designated SSSI, with the majority (79%) of the commons included in this designation[53].

As can be seen from Figs 3.8 and 3.9, the only large groupings of commons that are without an SSSI designation are those in the south on the Cumbrian side of Stainmoor and those in the centre around the head of Weardale. All the SSSI commons are SACs and SPAs. Half of the 8,669ha Moorhouse – Upper Teasdale NNR is common land.

With very few exceptions, all common land is now in some form of AE scheme. Table 3.6 summarises the position for each of the main blocks of commons, including (for SSSIs) conditions assessments for PSA target purposes.

GRAZING, GRAZING LEVELS AND CHANGE

English Nature's "Sustainable Grazing Initiative" in Cumbria has already been described in the context of the Lake District commons, but the Sheep WES scheme was targeted at securing sheep stocking reductions in the uplands generally, with particular emphasis on SSSIs and common land[54]. As noted in the context of

[53] RDS Environmental Stewardship Guidance Notes 2005

[54] EN Information Note 1 – The National Picture, 2004; paradoxically, as the Note itself observes, in the lowlands the emphasis was put on funding the re-introduction of grazing – see Information Note 2

Table 3.6 SSSI Status

SSSI	Area (ha)	Commons included	Commons area	Agri-environment Scheme	Target Condition assessment (for whole SSSI)
Allendale Moors	5,289	Allendale (pt)	4,800 (est.)	CSS WES (pt)	19%F, 24%U/R, 56%U/NC, 1%U/D
Hexhamshire Moors	9,436	Allendale (pt) Hexhamshire	2,500 (est) 1,914	HLS, WES (pt)	12%F, 54U/R, 34%U/NC
Muggleswick, Stanhope, Edmundbyers & Blanchland	9,120	Muggleswick Stanhope Edmundbyers	2,231 3,101 711	ELS plus HLS WES	3%F, 77%U/R, 4%U/NC, 16%U/D
Not SSSI		Wolsingham Moor Waskerley Park	827 769		
Not SSSI		Wellhope etc	1,250	CSS	
Pt SSSI		Burnhope	1,669	WES	
Not SSSI		Ireshope etc	850		
Moor House & Cross Fell	13,817	Ousby etc Milburn Forest etc	3,701 5,367	CSS and WES WES	F4%, U/R89%, U/N7%
Appleby Fells	10,693	Dufton (pt) Dufton (pt) etc	2,474 6,348	CSS and WES WES	U/R76%, U/NC23%, U/D1%
Bollihope, Pikestone, Eggleston & Woodland	7,947	Bollihope Pikestone etc	3,096 3,623	CSS and WES WES	F1%, U/R35%, U/N60%, U/D4%
Not SSSI		Westernhope	1,060	CSS	
Not SSSI		E Stainmoor	1,508	WES	
Not SSSI		Winton etc	3,715	CSS	
Bowes Moor	4,489	Bowes Moor	4,489	ELS plus HLS	F19%, U/R81%

Dartmoor (page 73), stocking level data are on unenclosed uplands are notoriously difficult to ascertain, and the terms of agri-environment agreements are confidential and not normally published[55]. On the North Pennines in particular the sudden stock reductions caused by Foot and Mouth Disease in 2001 clouded the picture still further[56].

However, the general thrust of the SWES programme was clear:

"Overgrazing in the uplands is a massive obstacle to sustainable management of Sites of Special Scientific Interest (SSSIs). The scheme will fund stock reductions and support shepherding on SSSIs currently in poor condition through historic heavy grazing. This year's scheme will build directly on last year's successes. New agreements will be sought close to those set up last year, looking for whole-fell agreements where possible. In addition, the scheme will be extended to cover new targeted upland areas, where more sustainable sheep grazing levels will result in habitat improvement. SWES is proving to be most valuable as a "top-up" to existing agri-environmental schemes."[57]

The need for some form of co-coordinated grazing management where the contiguity of commons creates much larger unenclosed areas has already been referred to. This is particularly true of the North Pennines where, as the Biological Survey notes, "there is an extensive, elongated tract of common land that straddles the boundaries of Cumbria, Durham and North Yorkshire and includes over 150 contiguous commons"[58]. The extensive array of WES and SWES agreements required to cover such an area is shown in Fig 3.9a.

[55] *For an exception, see the New Forest CSS*
[56] *The Biological Survey (Cumbria, p54) suggested that grazing levels on some commons had doubled during the last 100 years, citing CL5W Milburn Forest, but no source for this estimate is given*
[57] *EN Information Note 1*
[58] *Biological Survey (England) p13*

Fig 3.6
Pennine NorthCommon Land and Environmental Designations

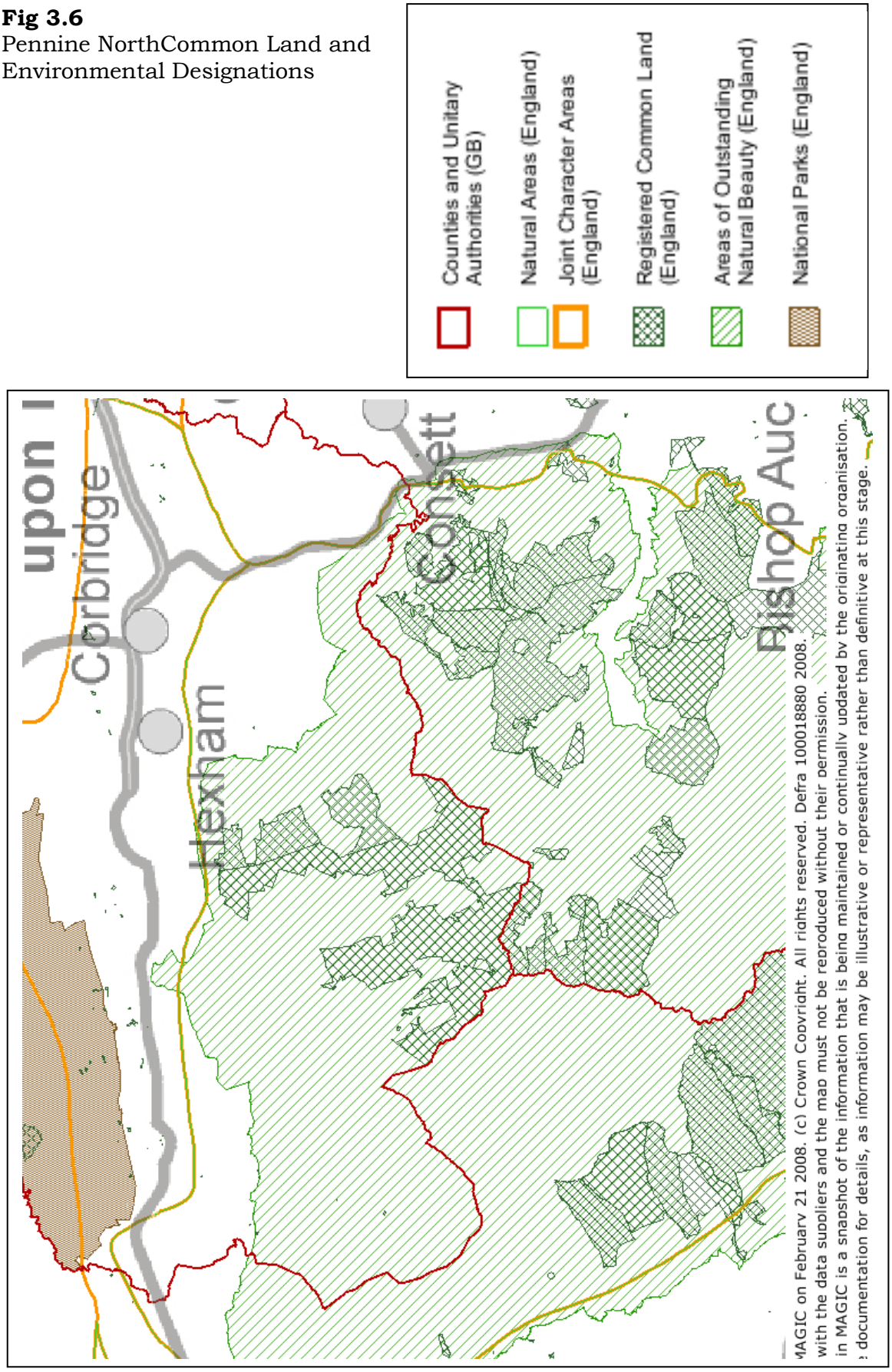


Fig 3.7

Pennine North Common Land and Environmental Designations

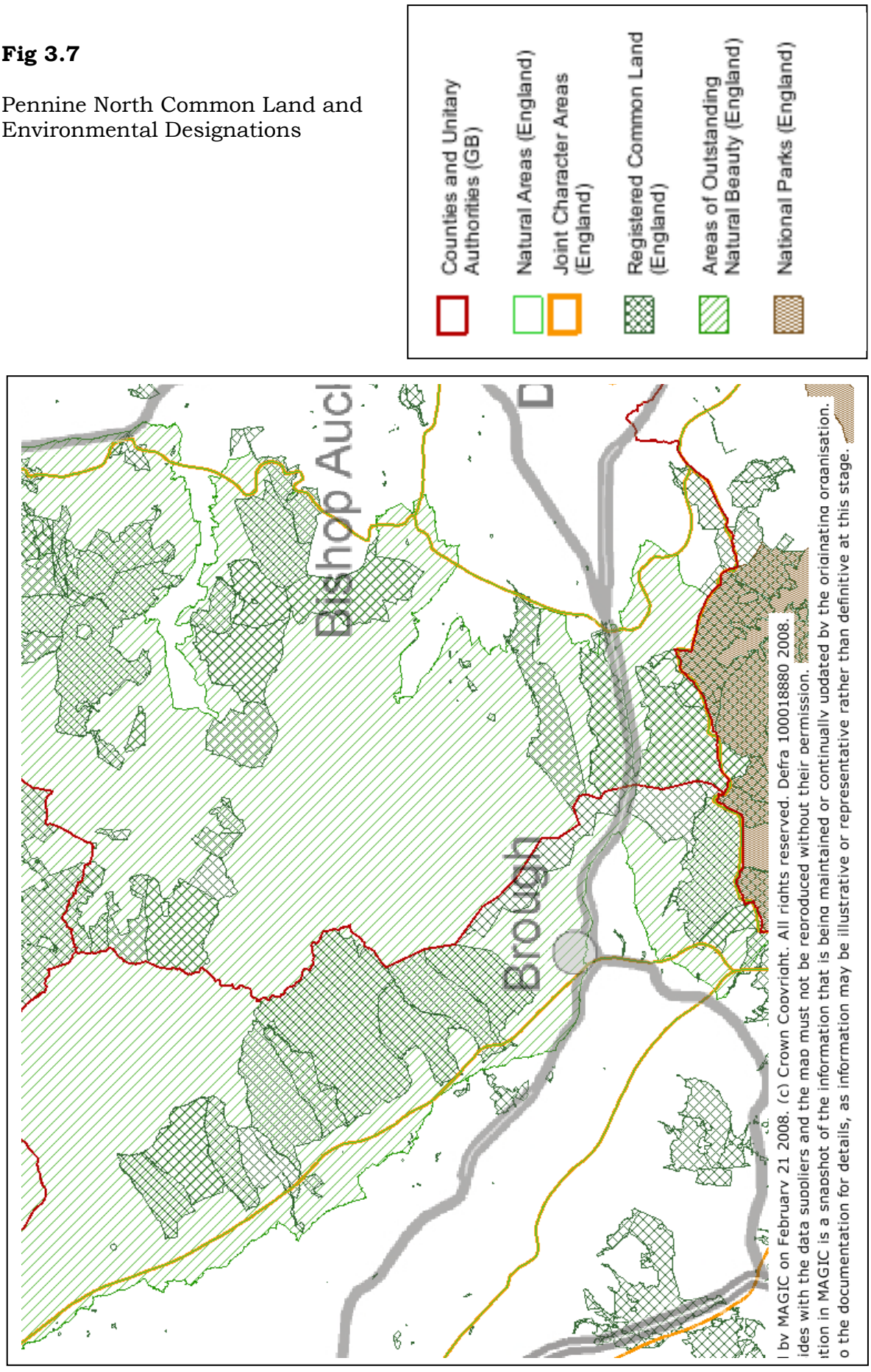


Fig 3.8

Pennine North SSSI Sites

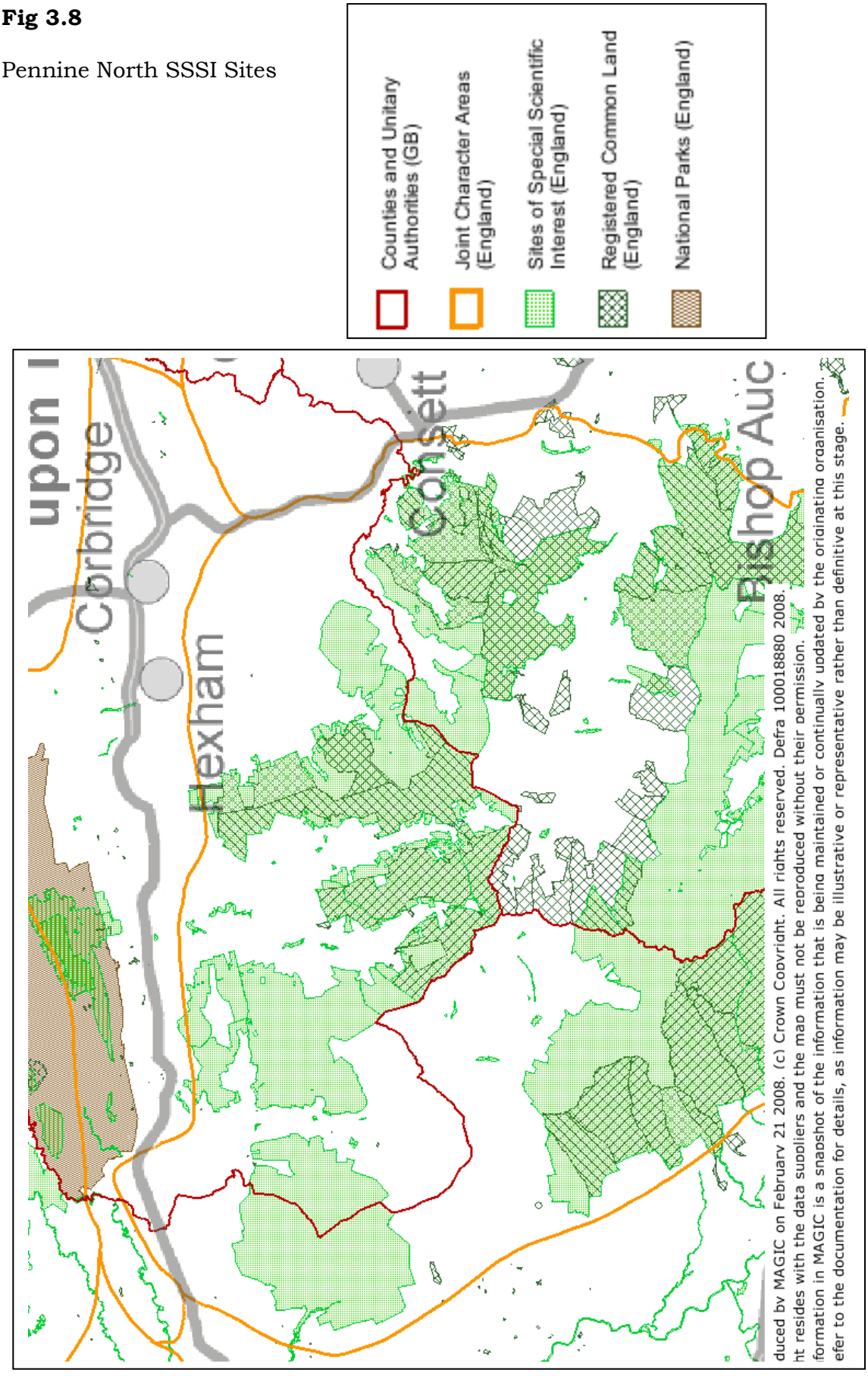


Fig 3.9

Pennine North SSSI Sites

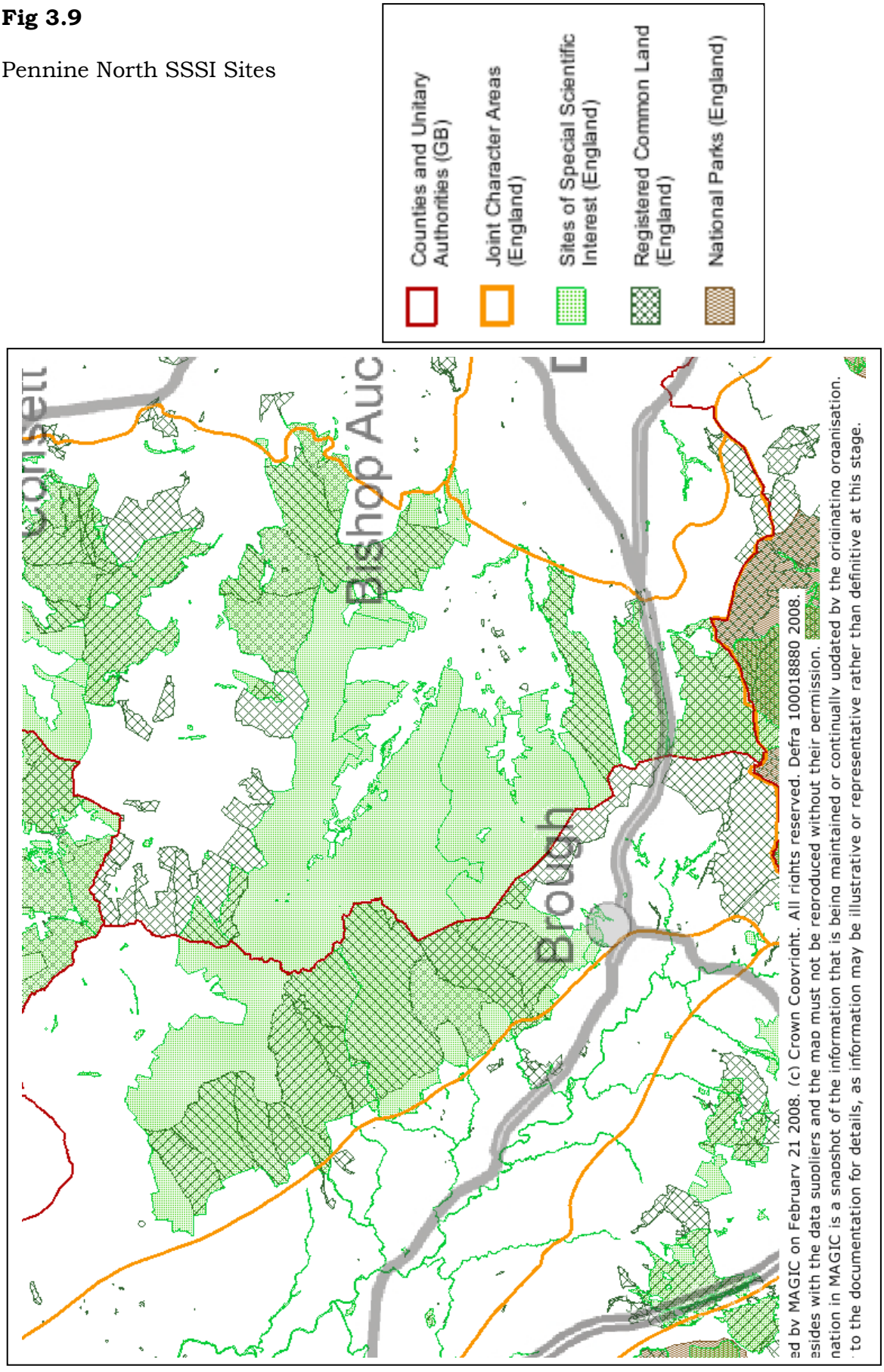
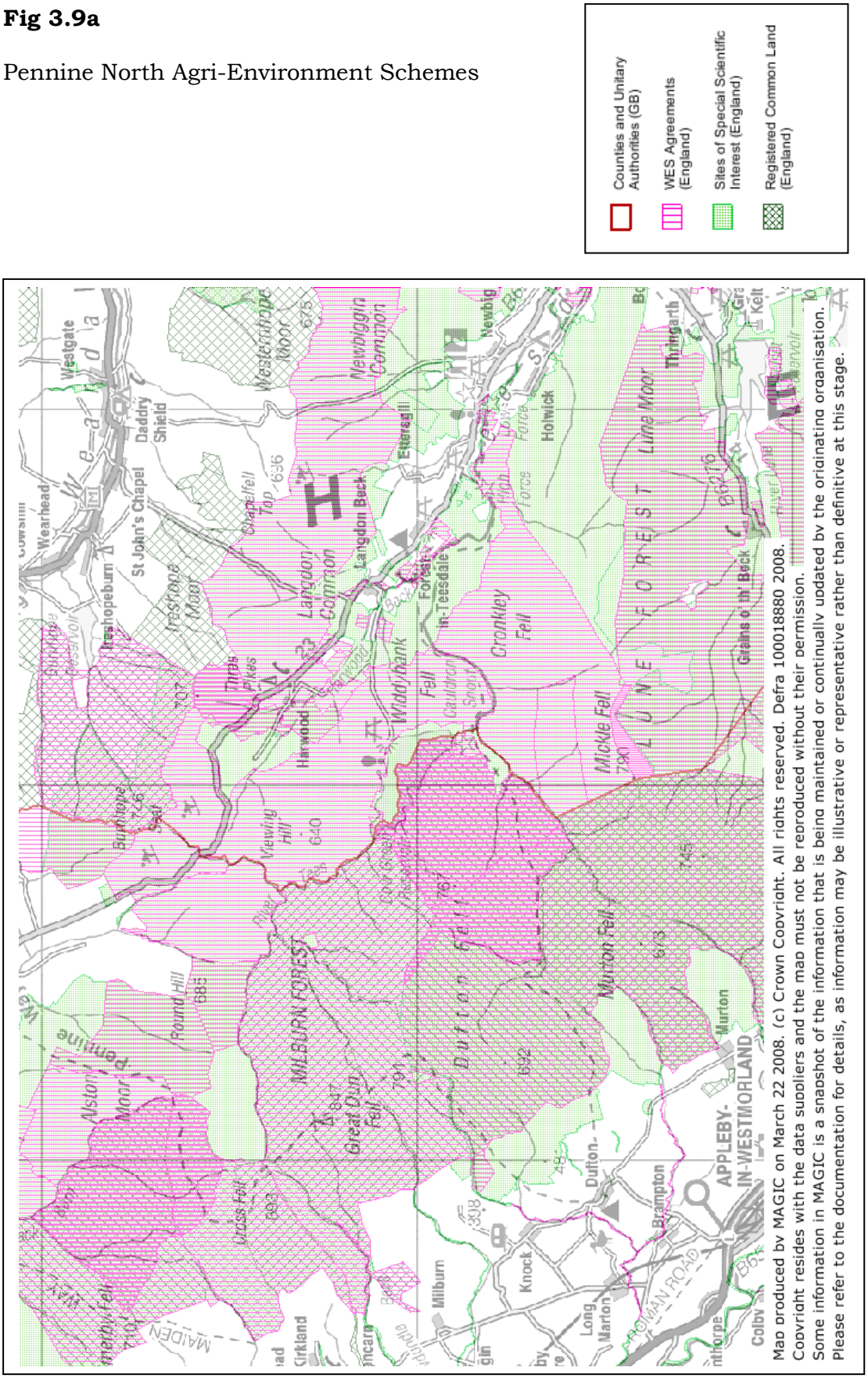


Fig 3.9a

Pennine North Agri-Environment Schemes



3.2.1.3 PENNINE LIMESTONE

LOCATION, LANDSCAPE AND LAND COVER

This type is broadly delineated by the boundaries of the Yorkshire Dales National Park, an area of some 1,762km² (see Fig 3.10). Character Area JCA21 and Natural Area 8 (both 2,400km²) cover a similar area, except that they also include the Nidderdale AONB which adjoins the National Park on its south-eastern boundary. The North Pennines AONB lies immediately to its north, while to the north-west are the Howgill Fells (JCA18) and the distinct block of limestone uplands that constitute the Orton Fells (JCA17). To the south-west lies the Forest of Bowland AONB.

It is estimated that the commons account for just over 25% (around 45,000ha) of the National Park. The largest blocks are in the north, running westwards from Swaledale to Mallerstang and the Howgills. Other commons are spread throughout the National Park, with particularly sizeable groupings in the west (Whernside and Ingleborough) and in the extreme south near Skipton (Embsay and Barden Moor).

The Yorkshire Dales differ from the Pennine uplands to the north and south in that the influence of the limestone is here greater than that of the acidic gritstone. The areas with a predominantly limestone habitat are mostly in the Craven uplands to the south and west, but there are many smaller pockets elsewhere. The landscape is one of striking contrasts between the moorland summits and the less exposed dales below.

"The moors are high and wild, with extensive areas of rough grazing and very large, often hardly visible, walled enclosures. These high summits dominate the skyline above the dales, providing extensive views out over the enclosed land below and dividing one dale from another. There are extensive areas of heather moorland, especially in the south (Bolton Abbey), north (Swaledale) and in the east above Nidderdale." (JCA21)

The total area of moorland is estimated at 925km², being just over one half of the National Park[59].

Thus the 45,000ha of common land constitute just under a half of the moorland. The Profile for Natural Area 8 (which includes the Nidderdale AONB) estimates the moorland NCC Phase 1 habitat areas to be: Blanket Bog 44,000ha, Acidic Grassland 46,000ha and Heathland 24,000ha (out of a total moorland area of 118,000ha).

DESIGNATIONS and AGRI-ENVIRONMENT AGREEMENTS

As can be seen from Fig 3.11, the commons are mainly, but by no means exclusively, within the various designated SSSIs. In the north, Upper Swaledale is the centre of 3 large SSSIs: Arkengarthdale, Gunnerside & Reeth Moors (7,634ha) to the north, Mallerstang-Swaledale Head (6,234ha) to the west and Lovely Seat-Stainton Moor (10,132ha) to the south. The first 2 of these are almost entirely

[59] *YDNPA, Park Profile 2007*

composed of common land. In the west, the main group of commons forms part of the Whernside SSSI (3,859ha) or the Ingleborough SSSI (5,208ha). Here also is the Ingleborough National Nature Reserve (1,024ha), a small part of which is on common land. All the major SSSI commons are within the North Pennine Moors SPA (147,282ha) and the North Pennine Moors SAC (103,130ha).

Throughout the area, there has been widespread take-up of agri-environment schemes. Fig 3.12 shows the mixture of WES, SWES, CSS and ES (ELS and HLS) agreements that, for example, cover the commons in the north of the area. Despite the additional complications that common land presents when compared with non-common areas, the overwhelming majority of SSSI moorland commons are currently subject to agreements, the main exceptions being Barden, Embsay and Hazelwood Moors (part of the West Nidderdale, Barden and Blubberhouses Moors SSSI) in the south, Gunnerside and Muker Common (part of the Arkengarthdale, Gunnerside and Reeth Moors SSSI) in the north, and Angram and East Mallerstang Commons (part of the Mallerstang-Swaledale Head SSSI) in the west.

GRAZING, GRAZING LEVELS AND CHANGE

As described by JCA21,
"The unique character of the area stems from the characteristic pattern of underlying geology and a distinctive pattern of pastoral farming which has shaped the landscape for centuries. The relatively high altitude, short growing season and high rainfall has meant that the area has always had limited possibilities for agriculture, which is restricted to the rearing of livestock. A self-contained farming system, of small holdings based upon a flock of sheep and a few cattle, providing its own winter feed needs and using all grades of pasture, rough grazing and moorland to the fullest extent, has created the landscape and is an integral part of its character.

The close relationships between rock types, landform, climate and the resulting history of man's activities can be clearly seen in this landscape. Change has been slow and relatively limited in its effects and, as a result, evidence of man's activities has survived, from the earliest periods onwards, creating an overwhelming sense of continuity with the past."

But nowadays, change is faster, the farming systems are much less self-contained and farm sizes have increased significantly. Between 1995 and 2003, farms in the Yorkshire Dales between 5ha and 50ha halved in number, whereas those greater than 50ha more than trebled (as also did those less than 5 ha).[60]

Compiled in 1997, the Natural Area Profile (NA8 p11) was in no doubt as to the main cause of habitat deterioration:
"There are distinct differences between the areas of moorland managed for grouse shooting and those just used for sheep grazing. Grouse moor managers have generally managed to hold sheep stocking at levels appropriate to maintenance of the heather whereas most other moorland has been heavily grazed and the heather lost. Grouse moors support much of nature conservation value; however uninterrupted sheep grazing and burning do limit habitat diversity. Drainage has also had an adverse effect on the condition and diversity of moorland communities".

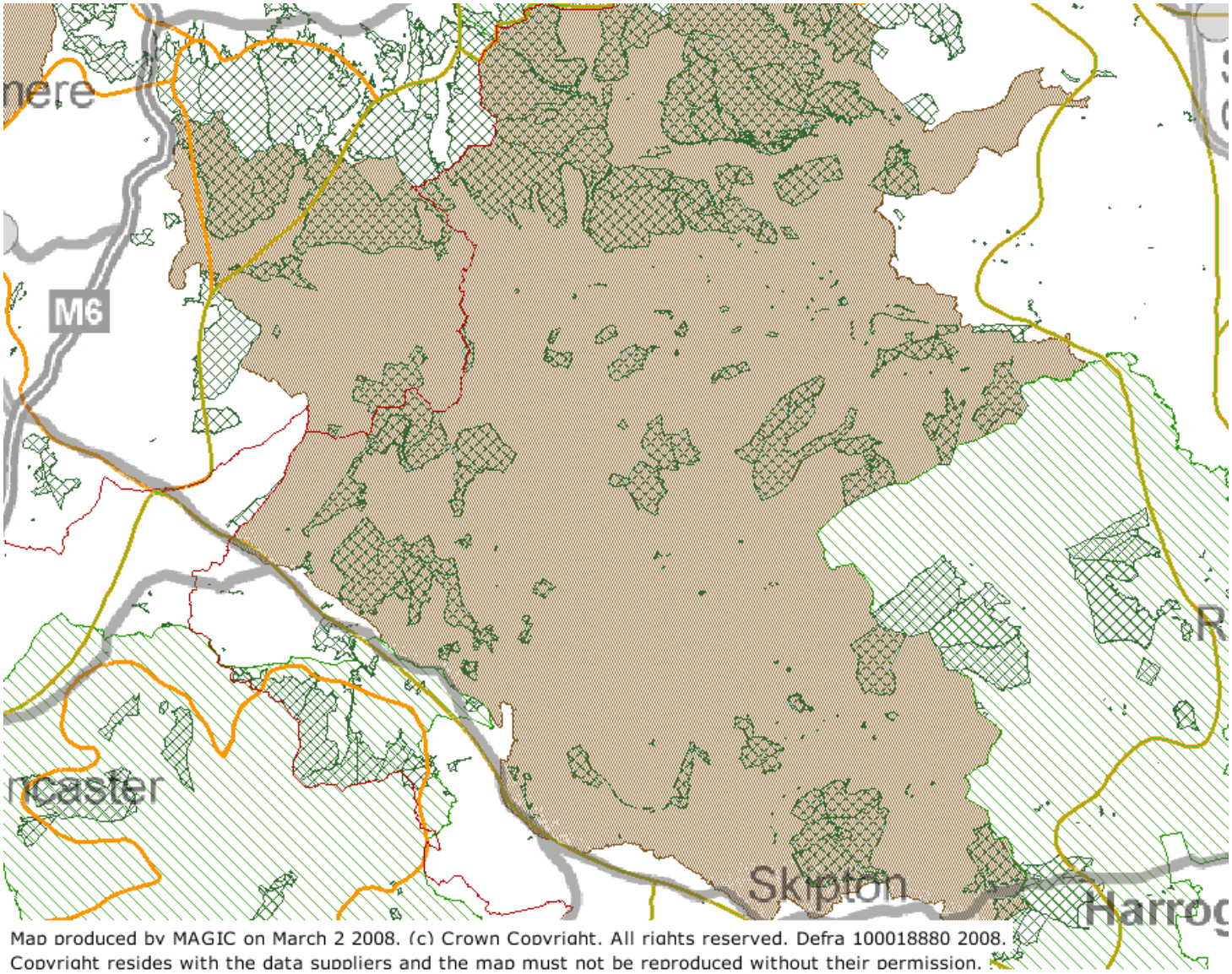
[60] *YDNPA Education File "Hill farming – Changing Times"*

The Profile draws attention to a 70% increase in sheep numbers between the 1950s and 1997[61]. However, over the period from 1995 to 2003, there was a decrease in the National Park in livestock numbers, of about 10% for cattle and 15% for sheep[62]. It is clearly too early to assess the long-term effect on habitats of this and subsequent decreases. For the 3 large SSSIs covering the part of the area shown in Fig 3.12, the current PSA target conditions assessments are shown in Table 3.7.

Table 3.7

SSSI	% Favourable	% Unfav. recovering	Unfav. No change
Arkengarthdale etc	24	53	23
Mallerstang etc	6	28	66
Lovely Seat etc	32	59	9

[61] This figure relates to the area as a whole; the increase on common land could, of course, have been more or less.
[62] *YDNPA Education File, supra*



Map produced by MAGIC on March 2 2008. (c) Crown Copyright. All rights reserved. Defra 100018880 2008.
Copyright resides with the data suppliers and the map must not be reproduced without their permission.
Some information in MAGIC is a snapshot of the information that is being maintained or continually updated by the originating orga
Please refer to the documentation for details, as information may be illustrative or representative rather than definitive at this sta

Fig 3.10
Pennine Limestone Common Land and Environmental Designations

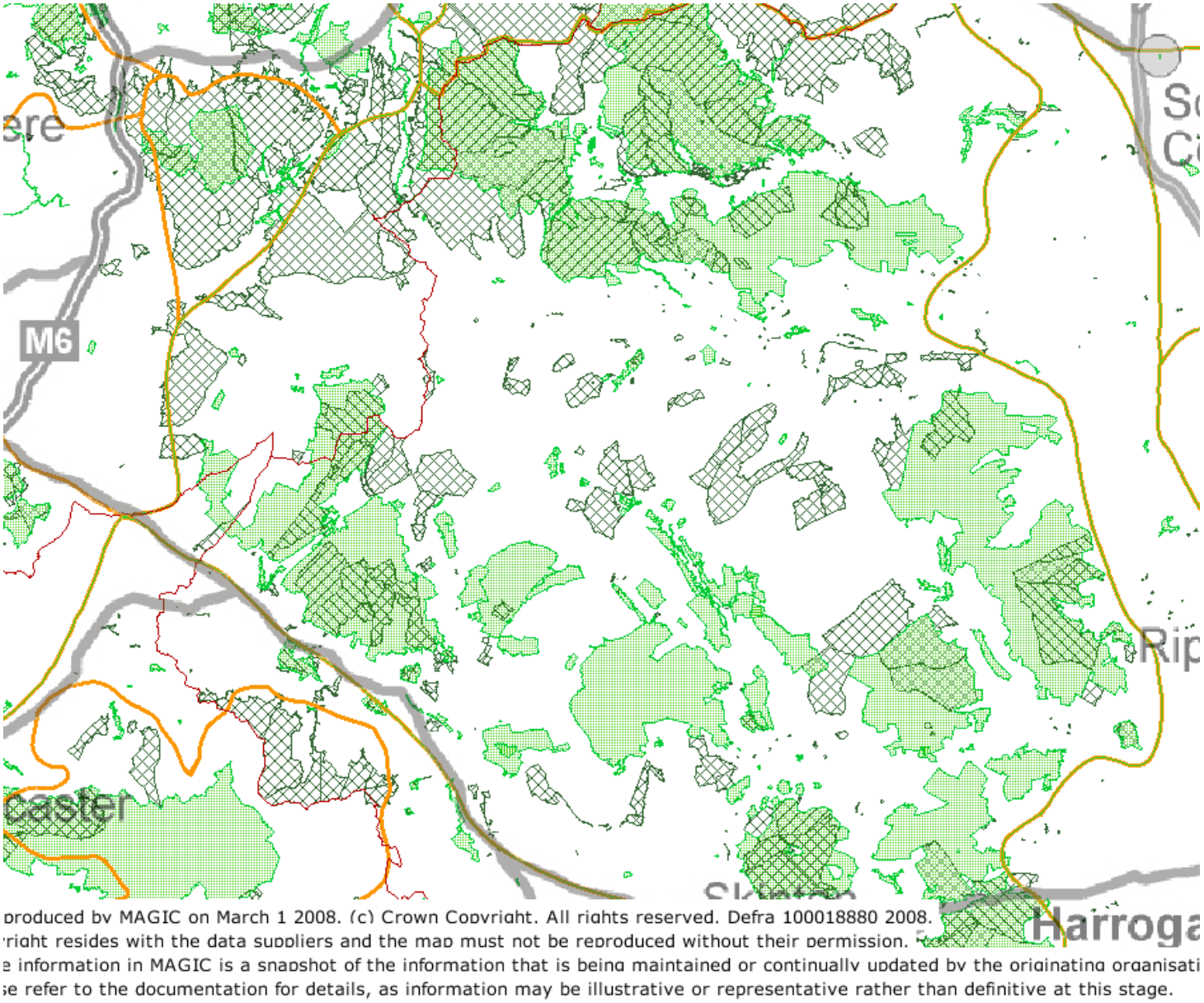
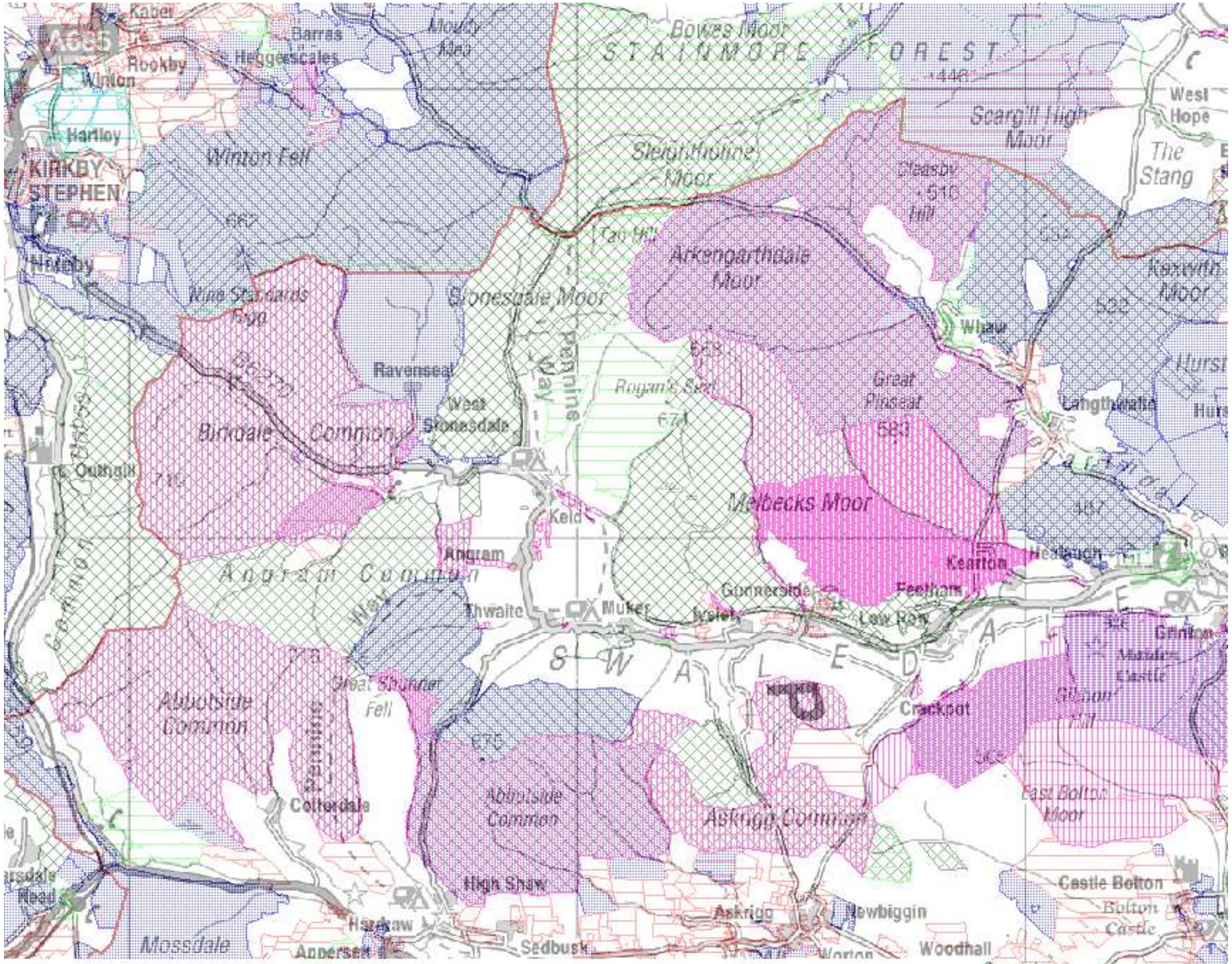
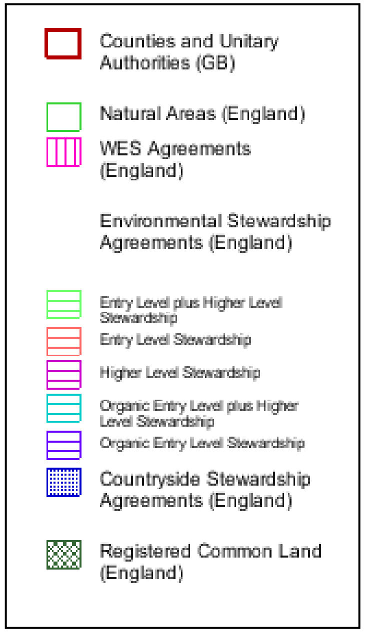


Fig 3.11
Pennine Limestone SSSI Sites

Fig 3.12
Pennine Limestone
Agri-Environmental
Agreements





3.2.1.4 PENNINE URBAN

LOCATION, LANDSCAPE AND LAND COVER

These commons broadly lie within Character Area JCA 36 (Natural Area 14), described thus:

"The area lies between the northern boundary of the Peak District National Park and the southern boundary of the Yorkshire Dales National Park. It lies between the great conurbations of Lancashire and Greater Manchester to the west and West Yorkshire to the East. Over seven million people live within an hour's drive of its centre and the conurbations generate increasing demands for transport, mineral extraction, power transmission and generation and urban encroachment as well as an intense pressure for recreation, sport and tourism. This is a large-scale sweeping landscape of exposed upland moorland and pasture. The area shares many characteristics with the Bowland Fells and the Dark Peak but the evidence of man's intrusion into this landscape has removed the sense of unspoilt wilderness which distinguishes the other regions." (JCA36)

The moors are a patchwork of common and non-common land, the largest single block lying on the main Pennine ridge immediately to the north of the Peak District National Park. Other major areas of contiguous commons are Ilkley Moor, several blocks to the north of Hebden Bridge, and moors on the Pennine spur to the north of Rochdale and Bury (see Fig 3.13). Most of the Commons lie within the West Yorkshire registration district, but some are in Greater Manchester and Lancashire, and a few in North Yorkshire.

"This area is predominantly upland heather moorland, acid grassland and rough pasture although some of the heather moor has been lost to grassland in many areas due to changes in management. The effects of enclosure, overgrazing, uncontrolled burning and atmospheric pollution have reduced the once varied vegetation to one dominated by purple moor-grass (Molina caerulea), mat-grass (Nardus stricta) and cotton grass (Eriophorum spp.). The core of the area however supports the mosaic of natural upland habitats which include blanket bogs, heather moor and wet heath which are rare enough to be of European importance." (JCA36)

DESIGNATIONS AND AGRI-ENVIRONMENTAL AGREEMENTS

The South Pennine Moors SSSI (20,944ha in 3 blocks) falls entirely within this area. It is estimated that about half the SSSI is common land, the highest proportion being in the southern block, between Todmorden and the Peak District National Park (see Fig 3.13). The whole of the SSSI is designated SAC and SPA.

The area falls outside any of the ESA schemes except for the southernmost tip, which lies within the North Peak ESA. Here the National Trust has entered the 2,500ha of its Marsden Moor estate into the scheme (see Fig 3.14). As can be seen from Fig 3.15, a number of commons in the northern segments of the South Pennine Moors SSSI are now under WES agreements. Keighley Moor (W Yorks CL600) and the adjoining Scott Hill Moor (N Yorks CL11) are the only commons in the Countryside Stewardship Scheme. No commons are as yet in Environmental Stewardship; commons outside the SSSIs (mainly those in the west of the area) are not in any agri-environmental scheme.

GRAZING, GRAZING LEVELS AND CHANGE

Grazing rights on the commons are predominantly for sheep, though there are some cattle rights also. The Biological Survey for West Yorkshire recorded observations on grazing and grazing levels in the course of its site visits, made some ten years ago[63].

Table 3.8 shows the variable picture that emerged.

Table 3.8		
Grazing	Types of stock	No. of commons
	Sheep	51
	Cattle	15
Grazing intensity[64]	Heavy	9
	Moderate	13
	Slight	11
	Variable	17
	No information	11

In a comment, the Survey states (p37):

"However, the major portion of the unenclosed moorland commons have a long history of a sustained high grazing pressure and this has had a marked effect of the vegetation composition. For example, much of the grassland is dominated by unpalatable species such as Nardus stricta and Juncus squarrosus. In addition, high levels of grazing by sheep are considered to have contributed to some extent to the degradation of the South Pennine Blanket mires, especially when combined with the effects of burning (see elsewhere). Other factors influencing the likely effects of sheep grazing on the moorland vegetation include the location of supplementary feeding points (localised trampling and eutrophication), the amount of shepherding (or indeed, lack of it these days), the time of year that stock are present on the common (now often all year)."

For the purposes of the PSA target, the current overall condition assessment is "Favourable" (F) 0.37%, "Unfavourable recovering" (U/R) 21.55%, "Unfavourable no change" (U/NC) 74.27% and "Unfavourable declining" (U/D) 3.81%; these figures, of course relate to both common and non-common land. Table 3.9 sets out the assessment in relation to the 9 largest commons with SSSI status (all South Pennine Moors SSSI except Marsden and Wessenden Moors (Dark Peak SSSI)).

In its assessment of the changing countryside, JCA36 makes reference to *"over-grazing of areas of common land by large operators"*. It is not clear on what evidence this is based, but the point is listed by the Countryside Quality Counts (CQC) project in its assessment of change for the period 1999-2003. The CQC response, however, is to make reference to figures showing the Countryside Stewardship uptake for JCA36 to have been consistently above the national average since 1999; as the area of common land entered into CSS was only 503 ha in total

[63] Although the survey covered the whole of the county, these results for grazed commons can be taken as directly applicable to the Pennine Moors

[64] This assessment was based on the surveyor's assessment as part of the Biological Survey for West Yorkshire.

(see above), this illustrates well the need for common land to be more clearly identified in data if the issues that it raises are to be adequately addressed.

Table 3.9

Common	CL No.	Area (ha)	Target assessment (overall)	Agri-environment agreement
Marsden Moor (NT)	W Yorks 39	1216	U/R	ESA
Wessenden Moor (NT)	W Yorks 37	966	U/R	ESA
Rishworth Moor	W Yorks 427	1599	U/NC	
Butterworth	Lancs 675	839	U/NC	
Blackstone Edge	Lancs 674	666	U/NC	
Langfield	W Yorks 121	605	U/D	
Oxenhope & Midgley Moors	W Yorks 498	1012	pt U/R, pt U/NC	WES
Heptonstall Town Moor	W Yorks 139	669	U/NC	WES
Ilkley Moor	W Yorks 207	1085	U/NC	

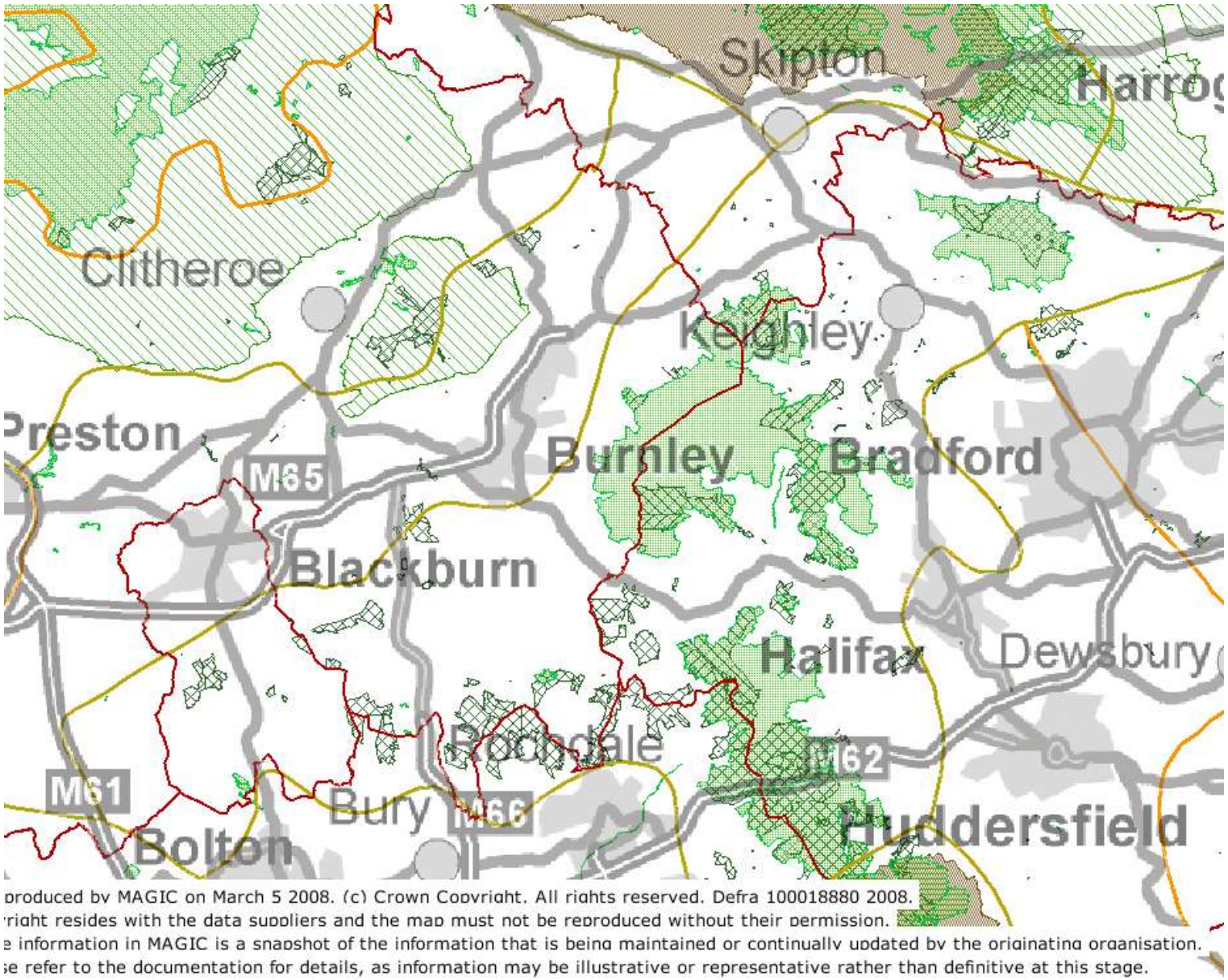


Fig 3.13
Pennine Urban Common Land and Environmental Designations

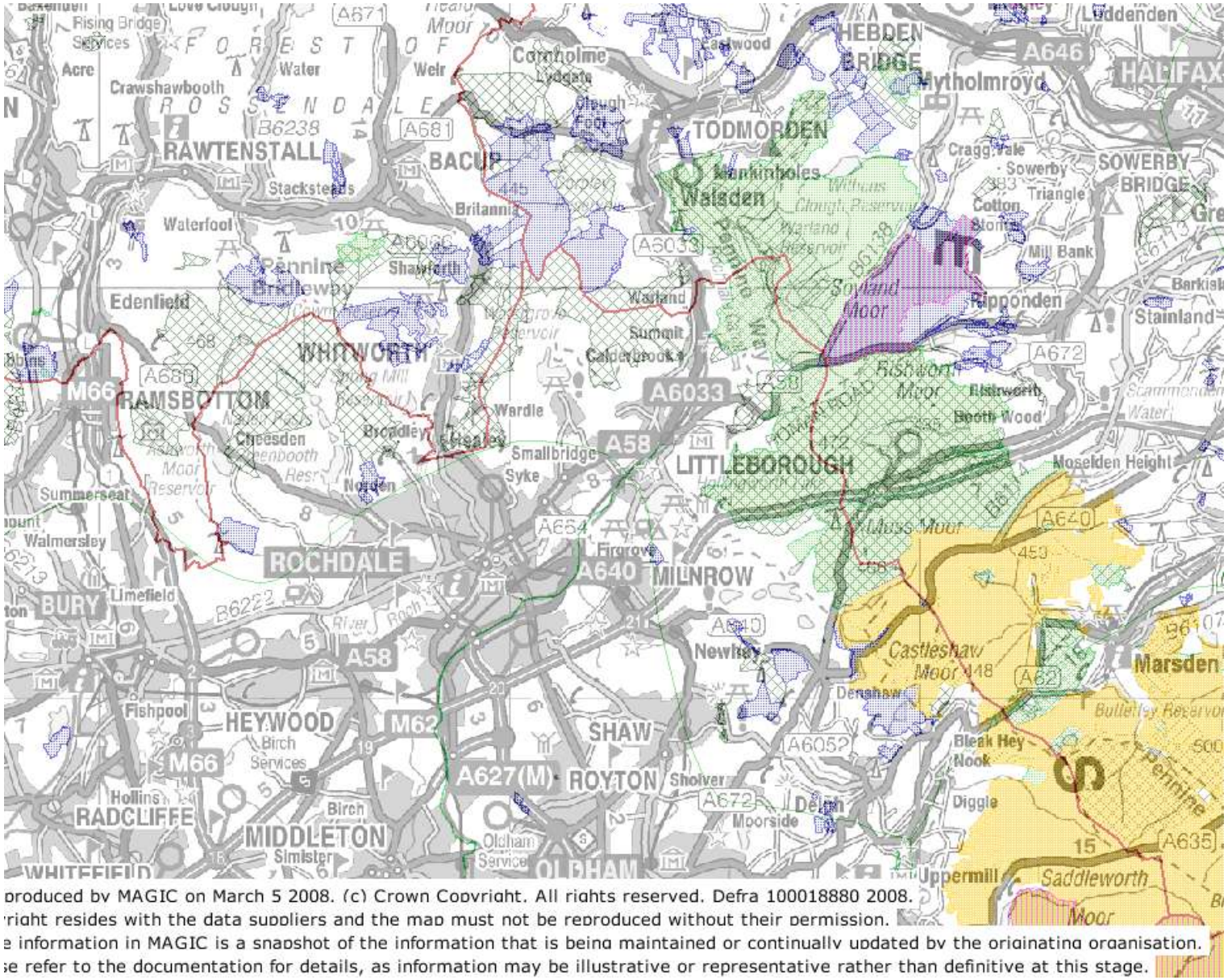


Fig 3.14
Pennine Urban Environmental Designations and Agri-Environment Schemes

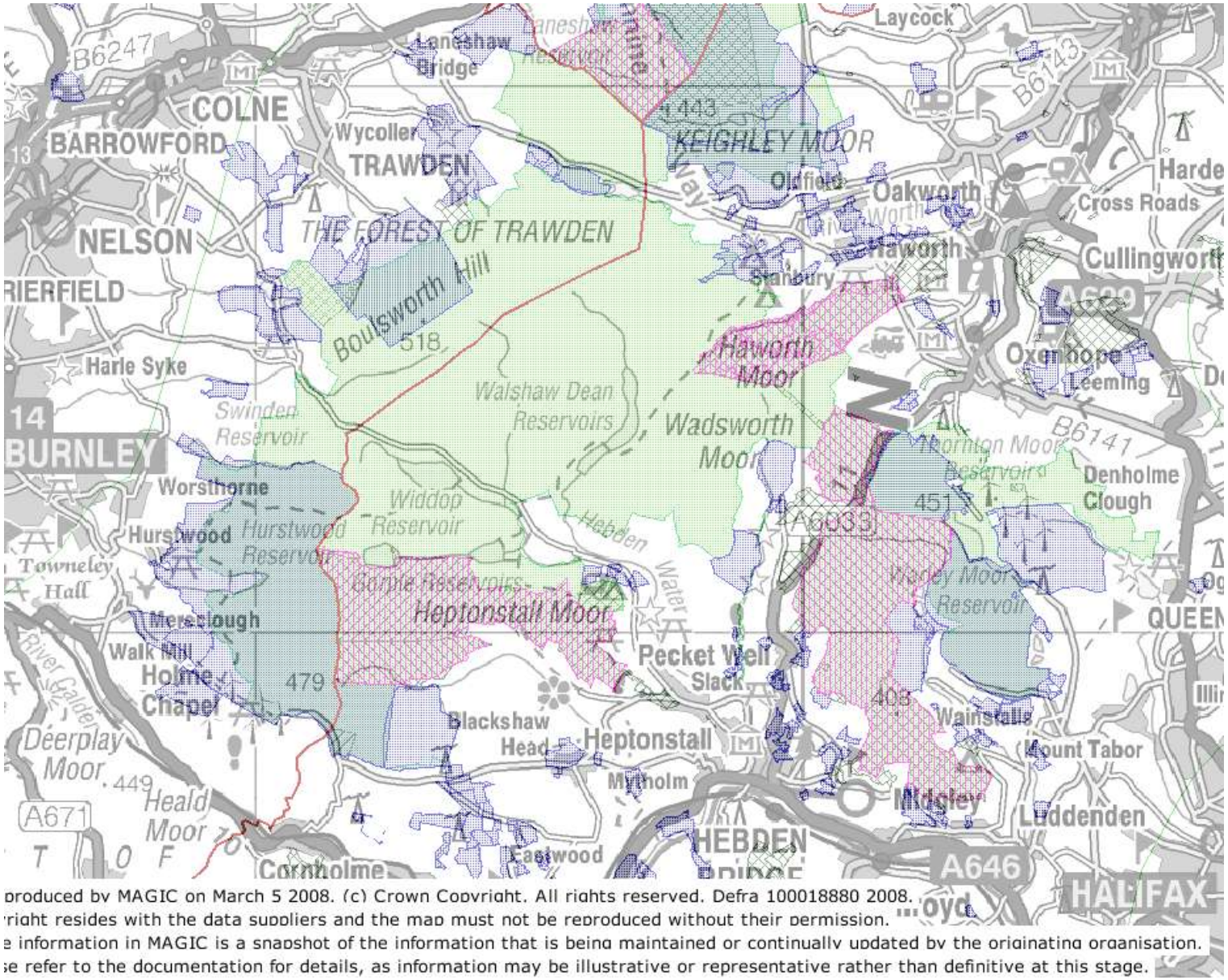


Fig 3.15
Pennine Urban Environmental Designations and Agri-Environment Schemes

3.2.1.5 NORTH YORK MOORS

LOCATION, LANDSCAPE AND LAND COVER

The North York Moors National Park (1,436km²) is bounded on the northeast by the North Sea and on the South by the Vale of Pickering. To the north and west lie the Tees valley and the Vale of Mowbray, thus making the moors stand out as a clearly defined block of relatively high ground. Character Area JCA25 (Natural Area 17) is slightly more widely drawn (1,659km²), but mainly correlates with the National Park boundaries.

Although often perceived as an archetypal upland landscape, the North York Moors are much lower lying than many other areas of moorland. Table 3.10 shows that over 80% of the SSSI area is below 350m above sea level.[65]

Table 3.10

Altitude (m)	SSSI area in band (ha)	As %
450 +	8.72	0.02%
400 - 450	1,922.29	4.36%
350 - 400	,224.16	14.12%
300 - 350	,049.65	18.26%
250 - 300	11,861.28	26.90%
200 - 250	11,584.59	26.27%
150 - 200	3,807.77	8.64%
100 - 150	615.03	1.39%
50 - 100	21.66	0.05%
0 - 50	0.00	0.00%
Totals	44,095.15	100.00%

Rainfall, averaging no more than 1061-1290mm annually even on the higher moors is well below that normally associated with upland areas.

The common land in JCA25 (see Fig 3.16) totals some 23,678ha. Four very large commons (Westerdale, Glaisdale/Danby/Leaholm, Egton High and Spaunton Moor) are found in the central area, the 4,977ha of Glaisdale/Danby/Leaholm Moors being split into northern and southern sections on either side of Danby. To the east are the large commons of Goathland and Fylingdales Moor, whilst in the west, Urra and Bilsdale East Moor is the only common of major size.

"Landcover comprises extensive tracts of heather moorland changing in colour from purple in summer to almost black in winter, much of it managed for grouse shooting, which results in a distinctive mosaic pattern of different aged plants mixed with burnt areas and lines of grouse butts. Some moorland is managed for sheep grazing and small areas are unmanaged. Other habitats on the moor tops include small areas of upland heath/grass mosaic, heather/blanket peat grassland mosaic, rough grassland and peat bog."[66]

[65] *Source: North York Moors NPA, Moorland Research Review 2000-2005*

[66] *North York Moors National Park Landscape Character Assessment 2003*

The area has one of the largest continuous expanses (499km²) of heather moorland in England and Wales[67].

More specifically, the extent to which heather moorland dominates the vegetation on commons can be seen in Table 3.11, which shows the Biological Survey assessment of the major habitat types for each of the 7 largest commons.

Table 3.11 North York Moors commons - Principal Phase 1 Habitat types

Common	CL No.	Total area (ha)	D11 Dry dwarf shrub heath	D2 Wet dwarf shrub heath	C11 Dense bracken	E18 Dry modified bog	Other
Goathland Moor	CL4	3118	1145	1612	404	18	
Westerdale Moor	CL8	1644	1357		56	147	
Urra & Bilsdale E Moors	CL53	1859	1607		144	51	
Glaisdale, Danby High/Low & Leaholm Moors	CL63	4977	2782	1009	658	472	
Fylingdales Moor	CL76	2870	1225	1478			
Egton High Moor	CL81	2320	1520	200	242		
Spaunton Moor	CL162	3294	1624	943	325		
Totals		20082	11260	5242	1829	688	
As %		100%	56%	26%	9%	3%	6%

DESIGNATIONS AND AGRI-ENVIRONMENTAL AGREEMENTS

As can be seen from Fig 3.16, all the major areas of common are part of the North York Moors SSSI, representing just over 50% of its 44,095ha. All are also designated SPA and SAC. Despite the relatively low altitude of some of the common land (see above), all is Less Favoured Area (SDA). Fig 3.17 shows the widespread adoption of WES and SWES agreements, though only Fylingdales Moor is in a Countryside Stewardship Scheme. None, as yet, is in Environmental Stewardship. The only major areas of common not in any form of agri-environment scheme are parts of Glaisdale/Danby and Egton High Moors, amounting to around 1,500ha in total.

GRAZING, GRAZING LEVELS AND CHANGE

In contrast to many other upland areas where overgrazing has been regarded as the prime cause of unfavourable condition, ecological surveys of the North York Moors have consistently reported overgrazing to be a localised rather than a widespread

[67] *Source: NPA Management Plan*

problem. It may therefore be seen as surprising that the current condition assessment for PSA target purposes of the North York Moors SSSI as a whole is "*favourable*" 12%, "*unfavourable recovering*" 41%, "*unfavourable no change*" 42% and "*unfavourable declining*" 5%. Possible explanations for these figures are considered in the NPA's recently published "Moorland Research Review 2000-2005":

"Traditional land management practices certainly play a part: frequent burning (a response to the faster growth of heather on the North York Moors than in other upland moorlands) appears to promote species-poor heathland dominated by ling (Calluna vulgaris). Unfavourable burning practices were considered to result in adverse habitat condition in just under half the SSSI area. By contrast, excessive grazing pressure is only a localised problem, causing unfavourable condition in just 4.1% of the SSSI area. This confirms previous observations (e.g. Jerram, Clayden & Rees, 1998) and contrasts with many other upland areas where over-stocking has been considered a primary cause of ecological degradation, in the recent past. Inappropriate supplementary feeding of livestock impacted on 1.5% of the SSSI whilst drainage works, insensitive scrub control, illegal use of vehicles, under-grazing and fertilizer use or other agricultural activities caused damage to just one or two monitoring units each."

After noting the lower altitude and rainfall of the North York moors when compared to most other upland areas, it continues:
"Consequently, the more montane dwarf-shrub components of higher, cooler and wetter upland moors are rare on or absent from the North York Moors and the bryophyte (moss and liverwort) flora is probably also naturally impoverished.

The only way of improving habitat condition assessment criteria for the North York Moors is to gain a better understanding of the interactions between land management practices, climate, geography and perhaps additional factors such as atmospheric pollution."

In a case study of the southern moors, undertaken in 2003 as part of research commissioned by Defra into the impacts of hill farming the Report drew attention to *"the low agricultural productivity of the moors and extensive management"*[68]. It continued (p49):

"Because of the low altitude and relatively harsh climate, much of the moorland is more akin to lowland heath. It has low agricultural productivity and is extensively managed. Most local contacts believe that under-grazing is more of a problem than over-grazing. Over-grazing does occur in isolated areas, such as at feeding sites, and is being addressed by measures such as discouraging supplementary feeding of sheep on the moor. In general over-grazing has not been a problem, even in the past. There are some localised instances of over-grazing of moorland, mostly through lack of management of the flocks rather than excessive absolute numbers.

In the hefted system in operation on the moorland, removal of sheep flocks causes problems as it leads to vacant hefts, causing sheep to spread out and making them harder to control. Road deaths from roaming sheep have increased, affecting the viability of many sheep enterprises. The National Park and English Nature's Wildlife

[68] *"An assessment of the impacts of hill farming in England on the economic, environmental and social sustainability of the uplands and more widely", Volume III. Institute for European Environmental Policy, Land Use Consultants and GHK Consulting.* February 2004.

Enhancement Scheme (WES) have started to offer gathering payments, recognising the environmental benefits of controlling grazing."

A study of hill sheep producers in the area, undertaken by Askham Bryan College's Rural Business Research Unit on behalf of the NPA and English Nature, reported that more than half the respondents intended to remove their flocks from the moor if further support were not to be available when the current agri-environment schemes terminated[69].

[69] *North York Moors NPA Press release 10 May 2006*. Note also the report in the Defra case study (above) that graziers in the Danby area had declined in number from 150 in the 1960s to 23 in 2003 (p43).

Fig 3.16
North York Moors
Common Land and Environmental
Designations

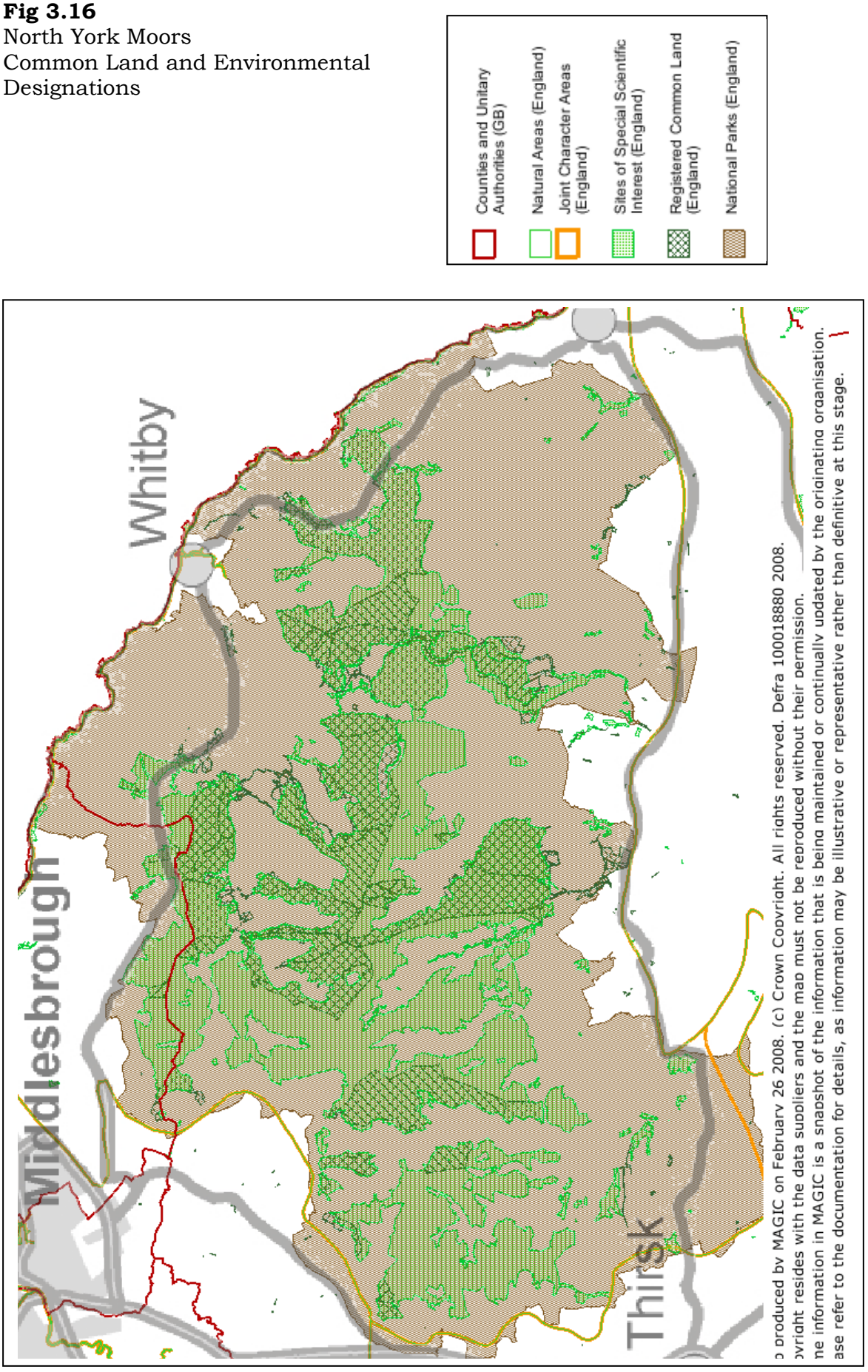


Fig 3.17
North York Moors
Agri-Environment Agreements