

# BETTER OUTCOMES ON UPLAND COMMONS

*A project inspired by HRH The Prince of Wales:*

‘Better Outcomes on Upland Commons’ aims to improve working relations between organisations to strengthen our ability to safeguard and manage the uplands. This report presents data from five upland commons across England to draw out the characteristics of the successful delivery of multiple outcomes over the same area of land. The purpose is to inform the development of upland policies and programmes for these cultural landscapes which are cherished and visited by millions. Common Land was used as the focus of the project as it encompasses many of the conflicts and challenges of the wider upland countryside.



Ponies on the Long Mynd by Philip King

**Editors: Julia Aglionby and Robert Morris**

**July 2015 2<sup>nd</sup> Edition**



## CLARENCE HOUSE

I am delighted to be able to commend to you the report of Better Outcomes on Upland Commons, an initiative in which I have been only too pleased to play a small part from the outset. The reason for doing so is that I care deeply about England's uplands and, as time goes on, I become increasingly distressed when I see opportunities to improve the condition of upland habitats, their communities, businesses and stunning landscapes frustrated due to disagreements on one or two specific issues.

My aim was that we ought to be working harder where we do agree and leave to one side the areas we may disagree on. This report demonstrates examples on upland commons where this approach has worked well in improving outcomes for Nature, farmers, sporting interests and visitors. Through identifying what works well, this report provides pointers on how to replicate this success elsewhere.

What fascinated me is that the reasons for success are all about people and their relationships to each other. It is largely about common decency; putting yourself in someone else's shoes so as to see the world from their perspective. It is about treating others with the respect you would like to be treated with and not judging others' legitimate interests. Of course, some might say we should have learnt this on our mother's knee, but the reality is that the uplands inspire such enthusiasm and passion that we often become too wrapped up in what we are trying to achieve as individuals. As a result, we fail to slow down and pause to reflect on the big picture, in which we share more than we disagree.

There is something timelessly special about our uplands – and also something special about the people and organizations that work tirelessly to manage the uplands. Hill farmers, moorland managers, nature conservationists, civil servants, agency staff, volunteers, rambles; the list goes on. All of these people want to make a difference and I am therefore delighted that groups representing all of them came together for this work convened by the Foundation for Common Land.

It appears that through the case studies we have discerned a way forward, acknowledging that people are the key to successful management of these complex landscapes. It is perhaps revealing that in the same way as the landscapes have taken several millennia to evolve, so allowing enough time was identified as a key attribute of success.

The question, of course, arises: what next? How can we change our behaviour to integrate these findings into practice? We collectively bear responsibility to step back each time we enter into a position of potential conflict and consider how we can mitigate the tension – how our attitudes can promote improvements in the areas where we have a common cause leaving the contested space to one side. I can only pray that all the conversations which have been held in the process of producing this report will lead to genuinely better, longer term outcomes on our precious upland commons.

# Better Outcomes on Upland Commons

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## Executive Summary

Inspired by HRH The Prince of Wales the purpose of 'Better Outcomes for Upland Commons' is to improve long term working relations between organisations to strengthen our ability to safeguard and manage the uplands.

Through working with over fifteen national organisations and local stakeholders across five upland commons in England three objectives were addressed;

- How better outcomes for each stakeholder can be delivered simultaneously on the same area of upland common,
- How grazing commoners and common owners can be paid for the delivery of ecosystem services on common land by the market as well as the state, and
- How the respective rights and responsibilities of all parties active on common land can be understood and recognised and then incorporated into management practice

In each case study we sought to discover what success looks like, the attributes of successful management and what local stakeholders considered is needed to deliver this in the future.

The project concluded that **respectful and long enduring relationships between individuals and groups are at the heart of delivering better outcomes on upland commons.**

Commons are known for their diversity, and these five case studies reflect that diversity, yet interestingly this project identified many shared attributes that characterise the successful delivery of multiple outcomes on upland commons. These are:

- Strong and adaptive leadership and co-ordination
- Good and regular communication
- Effective and well established networks
- Respectful attitudes
- Clarity on rights and outcomes
- Trade-offs negotiated fairly
- Fair and transparent administration
- Payments that reflect respective contributions and benefits
- Value local knowledge and provide local discretion over prescriptions
- Time: continuity of service, time for negotiations and duration of interventions

With regard payments for ecosystem services (PES) the project concluded that payments from market sources are likely to remain limited in the amount they will generate for the next 5-10 years. Stewardship schemes are considered essential to catalyse and sustain the provision of public ecosystem services therefore the continued delivery of these public benefits is at present dependent on the state paying farmers and landowners for these extensive but diffuse benefits.

These attributes of success will also result in a respect for and clarity on rights and responsibilities. In particular they lead to more effective use of local knowledge, the ability to negotiate trade-offs and the fairer administration of schemes. All these attributes characterise better outcomes for public and private interests. In short success is down to the attitudes of institutions and individuals and how they approach the challenge. As summed up by one case study co-ordinator:

*Danby Moor Common has just as many issues as any other moor but it is the attitude with which they deal with those issues which makes it successful.*



Attributes of Successful Management on Upland Commons

# Better Outcomes on Upland Commons

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**Foreword by HRH The Prince of Wales**

**Executive Summary**

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# Chapter 1 - Introduction

The overarching purpose of 'Better Outcomes for Upland Commons' is to improve long term working relations between organisations to strengthen our ability to safeguard and manage the uplands to deliver multiple outcomes concurrently.

Common land has been used as the focus of the project as it encompasses many of the conflicts and challenges of the wider upland countryside debates and is of intrinsic importance. Furthermore on commons a large number of parties have legal rights or statutory duties covering a diverse range of interests from agriculture to access and from biodiversity to game shooting.

This report presents data collected on five sites in the uplands of England each exploring attributes of successful management for a multi-functional countryside.

The project was inspired by the desire of HRH The Prince of Wales to reduce tension between different sectors involved in the management of the uplands. Following initial meetings at Clarence House in the winter of 2012 / 2013 a launch meeting was held in Sedbergh in March 2013 with senior staff from each of the project partners. With HRH The Prince of Wales in attendance three objectives were agreed as how:

- **better outcomes for each stakeholder can be delivered simultaneously on the same area of upland common,**
- **grazing commoners and common owners can be paid for the delivery of ecosystem services on common land by the market as well as the state, and**
- **the respective rights and responsibilities of all parties active on common land can be understood and recognized and then incorporated into management practice**

The maintenance of viable businesses for farming commoners and common land owners was noted as a pre-requisite for successful outcomes. This is because the outstanding value and uniqueness of upland commons arises from hundreds of years of active management by people working collaboratively to meet their livelihood needs. 58% of common land is designated as SSSIs, over 80% is in designated landscapes and 38% of our moorland is registered common land. The term 'common land' derives from the fact that multiple people own rights separately over the same area of land (i.e.in common) not as often mistakenly thought that the assets are owned by the public.

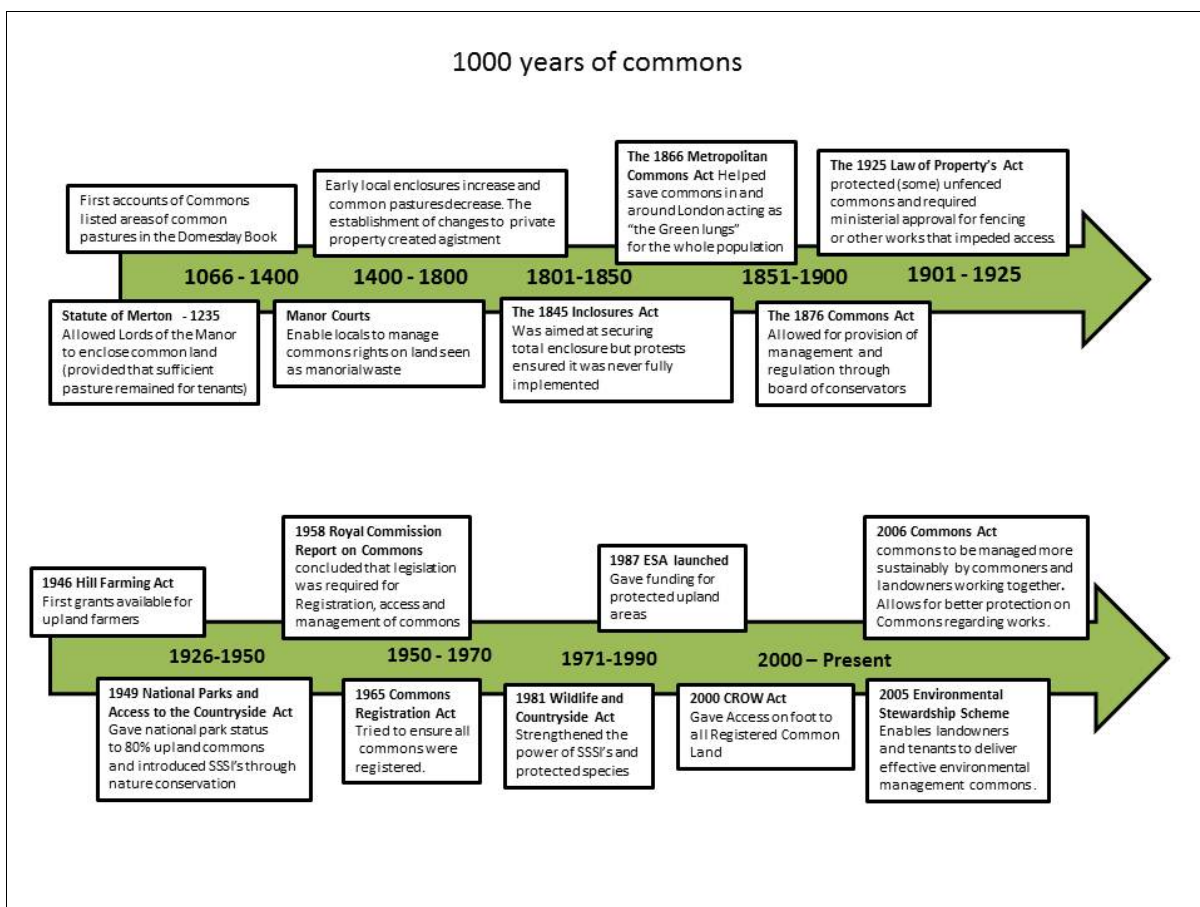
The challenge is how to deliver benefits to rural businesses when the income from food production is low while the public benefits are high and diffuse. (There are also other private economic benefits gained from game shooting and tourism.) This flow of publicly accruing ecosystem services will not continue unless there is a future for these businesses.

The project's five case studies from across England address the objectives and so draw together learning outcomes from a range of ongoing initiatives across English commons.

Conclusions from the case study findings are presented to inform the future management of commons and the delivery of better outcomes for the full range of interests.

## A Timeline of Commons History

The 280,000 hectares of upland commons in England are highly valued remnants of much larger areas of common land that existed in various forms for over a millennium. In some areas there is evidence of common land from the Bronze Ages and the Romano-British era before more widespread evidence of commons from Anglo-Saxon records. In what is considered to be the first piece of English legislation the Statute of Merton in 1235 set out the respective rights of commoners and owners of common land. This reflected the need for clear management of multiple outputs by different parties. This principle continued throughout the Middle Ages with Manor Courts taking primary responsibility for the management of commons. Over time common rights became a separate alienable property interest in the land often attached to the enclosed land of each commoner.



These common rights on open commons were threatened by enclosure especially from the sixteenth century onwards. While enclosure was often contested it was not until interventions through pressure groups in the nineteenth century and consequent legislation in the late nineteenth century that the special status of common land was assured. Following the report of the 1958 Royal Commission on Common Land further protection to all commons was provided through the Commons Registration Act 1965 which required the formal registration of common land and rights. This protection has continued with "upgrades" to these earlier Acts and many voluntary management schemes. Most recently the Commons Act 2006 allows some updating of the register, ensures commons are protected and enables statutory management through Commons Councils. Collectively these measures seek to strike a balance between productive management, biodiversity and recreational use and other public benefits.

The uplands of England have been subject to continual management by man for over 4,000 years but what has changed since World War II has been the level of intervention by government in the active management of these areas. This is through external fiscal drivers and through incentives enabling specific management schemes. The UK National Ecosystem Assessment has shown that the drive for increased productivity, since World War II, has had a considerable impact on the environmental condition of our upland ecosystems. Intervention in one area has resulted in further interventions. For example price support has led to environmental schemes to mitigate the unintended consequences of the former.

Currently the primary legislation impacting on outcomes on upland commons is:

- Law of Property Acts 1925 and 1989
- Hill Farming Act 1946
- National Parks and Access to the Countryside Act 1949
- Commons Registration Act 1965
- Ancient Monuments and Archaeological Areas Act 1979
- Wildlife and Countryside Act 1981 (as amended)
- The Conservation of Habitats and Species Regulations 2010 and 2012 (implementing the EU Habitats Directive 1992, and the EU Birds Directive 1979 and 2009)
- Countryside and Rights of Way Act 2000
- EU Water Framework Directive 2000
- Natural Environment and Rural Communities Act 2006
- Commons Act 2006

Overlying this formal legislative framework is the custom and practice of a millennium of countryside management by commoners and owners of common land. While this local management is key the primary driver of management decisions since the 1970s has been the common agricultural policy (CAP) and since the 1990s, agri-environment schemes.



## Chapter 2 - Project Methodology

The project has used five case studies across England to address the objectives and has drawn together outcomes from a range of ongoing initiatives across diverse English Commons. The overall aim of the case studies was to identify what works well and particular care was taken to choose case studies that both demonstrate the full range of functions provided by upland moorlands and illustrate how interventions and change in demands for ecosystem services can be managed.

In this report each case study is a stand-alone chapter that can be distributed separately. This chapter sets the scene for the work and the concluding chapter brings together the findings from the case studies.

### The Case Studies

- **Forest of Dartmoor;** *is, at over 11,000 hectares, the largest single piece of registered Common Land in England. Predominately owned by the Duchy of Cornwall the primary land use is the grazing of cattle, ponies and sheep. Recreation and access is generally at a relatively low level apart from the annual Ten Tours event. All the land has public access (1985 Dartmoor Commons Act) and about 40% of the common is used for military training. There are about 60 scheduled monuments on the common. There is a large water supply interest with 45% of all water for Cornwall and Devon being sourced from Dartmoor.*
- **The Long Mynd;** *This common within the Shropshire Hills AONB is owned by the National Trust and covers 2,200 hectares. It has an active commoners association, with 20 or so graziers and has a HLS agreement. The common has approximately 300,000 visitors per annum, and is a large recreational resource for many forms of outdoor pursuits. It is an unregulated common and a land agent acts for most of the commoners and manages the HLS on their behalf. There are 26 scheduled monuments on the Long Mynd*
- **Danby Moor;** *This common lies within the North York Moors National Park, extends to 4,700ha and forms part of a much larger SSSI/SPA/SAC. The main economic driver on Danby Moor is grouse shooting run by the owner of the common. There are 12 active graziers and the Estate has its own flock in order to reach minimum stocking requirements. There are few access issues due to the relatively low numbers of users. There are 52 scheduled monuments on the common.*
- **West Arkengarthdale;** *A large common (5600 hectares) in the Yorkshire Dales National Park, this common is owned by the Earl of Arundel (Duke of Norfolk). The owner's major interest is grouse moor management, but for local sheep farmers with grazing rights the moor is critical to their farming businesses. It has six scheduled monuments including the remains of a lead mine and also is a significant store of carbon in its peat soils.*
- **Haweswater;** *within this large network of commons in the Lake District National Park this study focused on Bampton Common (2600ha). Owned by United Utilities grazing is essential to local farming businesses. Recently the RSPB have taken over two farms resulting in reductions in sheep numbers greater than those sought by Natural England. The primary drivers for the owner and the RSPB are securing improvements in water quality and nature conservation. While in a tranquil part of the national park the common is well used by walkers. There have been a few access issues arising from woodland planting. Bampton has six scheduled monuments.*



## Data Collection

All the case studies examined how management operated in the past, current arrangements and how stakeholders would like to see their commons managed in the future. We have looked at all the major factors that concern upland commons management including; livestock grazing, sporting and game management, water, biodiversity, historic heritage, carbon storage, landscape and access. The case studies were chosen to represent the diversity of outcomes from the uplands and this is shown in the table below. In addition they were chosen to provide geographical spread. A map of the case study sites is provided above.

Case Study Area	Biodiversity	Water	Farming	Sporting	Access	Historic	Landscape
Forest of Dartmoor	✓	✓	✓		✓	✓	✓
The Long Mynd	✓		✓		✓	✓	✓
Danby Moor	✓		✓	✓	✓	✓	✓
West Arkengarthdale	✓		✓	✓	✓	✓	✓
Haweswater	✓	✓	✓		✓		✓

In each case study there is some land notified as SSSI and most are predominately designated as SSSIs with Bampton Common at Haweswater being the exception. Many also have international designations (e.g. SAC / SPA). In all cases current management is deemed by Natural England to be delivering the recovery of the SSSI except on Bampton Common where the geological SSSI unit is in favourable condition.

Case Study Area	SSSI name	Condition
Forest of Dartmoor	North Dartmoor, South Dartmoor, East Dartmoor	Unfavourable recovering
The Long Mynd	Long Mynd	Unfavourable recovering
Danby Moor	North York Moors	Unfavourable recovering
West Arkengarthdale	Arkengarthdale, Gunnerside And Reeth Moors	Unfavourable recovering
Haweswater (Bampton Common)	Naddle Forest (geological unit)	Favourable (the unit on the common)

For each case study we used a small working group drawn from the partners to cover the range of interests. This group included a coordinator chosen for each case study from within the staff of the partners. They led the work and delivered the case study report. Each coordinator worked with local representatives through interviews, group sessions and data assessment.

**The Three ‘Topics of Inquiry’**

The case studies looked at three topics of inquiry to structure the discussions and provide a means of comparative analysis. These are outlined below.

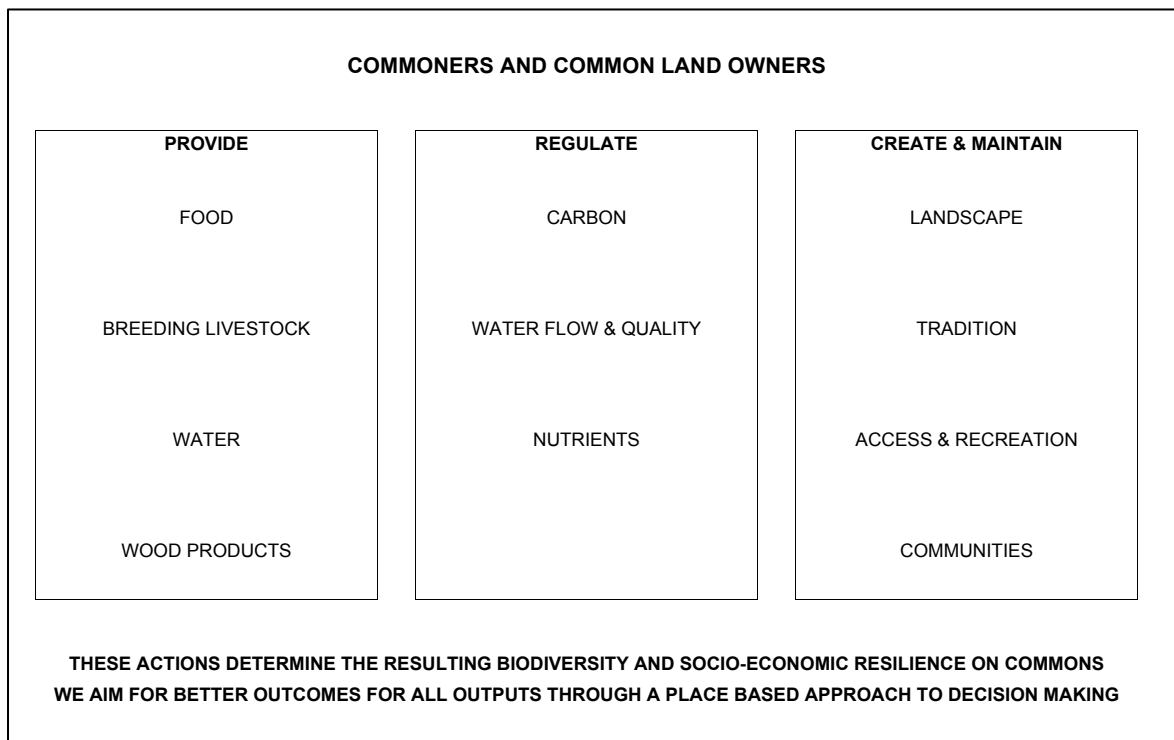
- How a range of outcomes can be delivered and enhanced on the same piece of land**

The simultaneous delivery of multiple outcomes (many of which are now called ecosystem services) has occurred for centuries but there are significant interactions between different land uses. This has led to increasing tension between the levels of delivery of the various outcomes. This project aims to tease out in the various case studies what enables multiple outcomes to be delivered concurrently. What works well and how can we do more of it?

Some outcomes accrue to individuals with specific property rights but the majority accrue to our broader society – public goods. Of these many are recognised as of national importance with legal designations for landscape, biodiversity, access, water quality and historic monuments.
- Payments for Ecosystem Services**

Those with private property rights (landowners, farmers and commoners) are much more likely to deliver a public benefit if they are rewarded and understand what they are being rewarded for. It is therefore critical that mechanisms are developed for fair recompense for the production of public benefits and for developing shared understanding of the target outcomes. The former is also called payments for ecosystem services. In each case study examples of payments for ecosystem services are discussed.

A table of the key ecosystem services is provided below. This is not in the traditional Ecosystem Approach format but seeks to place day to day managers at the heart of the process as it is their actions that have over-riding influence on the quality and quantity of the delivery of public goods.



The holy grail is how can commoners and landowners be rewarded for, and feel a sense of pride in, delivering public goods alongside the continuing production of private goods. Private goods are paid for through the market place e.g. the sale of livestock and let shooting days and in addition other businesses e.g. tourism enterprises benefit from the management of these iconic landscapes. It is though much harder to capture the economic value of public goods either because the benefit is a legal right, such as access on CROW land, or there is no market in which to sell the service.

In these cases one of two situations occurs. Either no payment is made to those producing the benefit or the state makes a payment through agri-environment schemes – public payments for public goods. As government finances are under increasing pressure there is increasing urgency to develop streams of payments for ecosystem services from private sources e.g. visitors, water companies or developers. Furthermore current payments levels (whether provided by the state or market) are not sufficient and additional income sources are required to assure sustainable delivery.

- **Understanding Rights and Responsibilities**

The uplands are characterised by a range of legal and contractual rights; from the property rights of commoners and owners to public statutory rights such as open access; from the statutory duties of Natural England to the contractual rights and responsibilities agreed under Environmental Stewardship schemes. When there is mutual understanding of each person or institution's rights then it is easier to understand the drivers that underpin each other's management decisions and behaviour.

The case studies look at respective interests of the key stakeholders and how relations between them are managed in each locality as well as how agreements are negotiated and the impact of these on delivering multiple outcomes. From this baseline the parties are asked what would constitute success in the future and how that might be achieved.

### **What constitutes the successful delivery of multiple outcomes on this common?**

#### **Structure of the Case Study Findings:**

Each case study report adopts the same structure. This enables comparison though due the diversity of context and outcomes the emphasis provided to the different sections in each case study varies. In all cases the method adopted was borrowed from Appreciative Inquiry as we sought to 1) identify successful characteristics, 2) understand what underpins that success and 3) identify how further improvements could be made. The questions addressed are as follows:

1. Who pays for and receives the benefits from the various outcomes?
  - Government agri-environment
  - From the market
  - Other transfers
    - Between parties
    - From / to external parties
2. How are relations between stakeholders managed?
  - During negotiations
  - Ongoing
  - As and when disputes or issues arise
3. What would you constitute success for this common and its management in 5-10 years' time? What is required for this to happen?

# Chapter 3 - Forest of Dartmoor Case Study Report

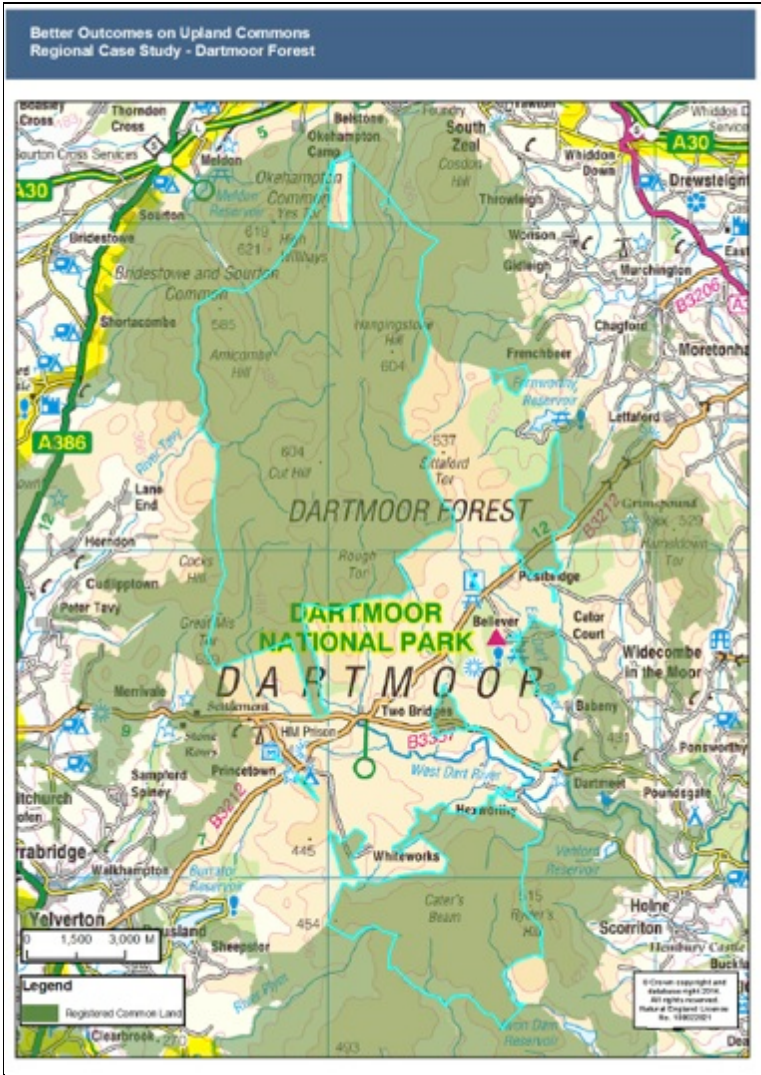
John Waldon – Dartmoor Commoners' Council

## 1. Description

### 1.1. Biophysical characteristics

The Forest of Dartmoor is a large moorland common that lies in the centre of Dartmoor and covers over 11,170 ha. The Forest of Dartmoor is divided into two substantial parts, one to the north of the B3212 and the other to the south of this road, and about 6 smaller fragments.

The common includes some of the highest points on Dartmoor, including Hangingstone Hill, and Cut Hill (both 603m) with almost no land below 350m. It is a fundamental part of Dartmoor's iconic landscape. It includes tors and extensive areas of blanket bog, wet heath and grass moorland. The majority of the vegetation is notified as SSSI and designated as a Special Area of Conservation (SAC - an EU designation indicating a site of international importance for wildlife). The peat soils contain the majority of the 9.7 m tonnes of carbon recently estimated to be within the peat on Dartmoor. There are 13 water catchments within the Forest of Dartmoor which in turn and provide the source for at least 10 water abstraction points.



## **1.2. Cultural and legal characteristics**

The Forest of Dartmoor (CL 164) (“The Forest”) lies within the Dartmoor Forest Parish and the Dartmoor National Park. The majority (c95%) of the Common is owned by the Duchy of Cornwall. All the land is within the Severely Disadvantaged Area (SDA) and above the Moorland Line. The area is rich in archaeological sites exemplified by the 56 Scheduled Ancient Monuments found on the common and the recent excavations at Whitehorse Hill that revealed the archaeology to be in excess of 4000 years old.

## **1.3. History of Management and Interventions.**

There are between 70 and 80 active graziers and over 200 non-graziers with rights to graze within the Forest.

Prior to the Environmentally Sensitive Area Scheme (ESA) this common had an association but it rarely met and its function was unclear. In 2001 The Forest entered into an ESA agreement that required the Commoners Association to provide both governance and administration. To address the administration of a large agreement, both financially and in area, a Board of Trustees was established. The common’s association’s internal deed described its role and that the Board would be composed of elected commoners and representation from the land owners.

The Board has a Chairman, Secretary and Administrator together with a landowner’s representative and benefits from having commoners from different parts of the common and therefore reduced the influence of “local politics”. In terms of administration and governance the large size of the common is clearly an asset; the financial size of the agreement enabled the administration to be managed professionally.

The Board of Trustees was retained when the Forest entered into a Higher Level Stewardship scheme (including Uplands Entry Level Stewardship) in March 2012. The common’s association also continues to address issues not directly related to the administration of the HLS agreement.

All common land on Dartmoor falls within the jurisdiction of the Dartmoor Commoners’ Council established under the Dartmoor Commons Act of 1985. The Council has enforced regulation in respect of grazing rights on the Forest on at least one occasion.

In 2002/3 the outbreak of Foot and Mouth had a devastating impact on most farmers with livestock on this common. Following the eradication of the disease Dartmoor National Park Authority, the Duchy of Cornwall as the principal land owner and others set out to help hill farmers. Amongst the initiatives were the Dartmoor Vision and the Dartmoor Hill Farm Project. Both had a direct relevance to the Forest and began to engage farmers in a dialogue over the future of the common. The Vision produced collaboratively and with significant investment of time and facilitation provided confidence to the farmers that the agencies had a shared idea of what moorland on Dartmoor, including the Forest, should look like in the future; a grazed landscape requiring farmers and their stock.

The Vision, completed in 2006, was designed to be implemented by and to influence agri-environment schemes. Commoners; supported by the DNPA, Commoners’ Council and the landowner; expressed concerns that the schemes were unlikely to achieve the Vision. Eventually in 2010 Defra and Natural England enabled Dartmoor Farming Futures to begin.

Commoners from the Forest (and one other common) were invited to design and then pilot a new approach to agri-environment; one predicated on a series of outcomes. The process began to empower those directly responsible for managing the common and this increased engagement by the farmers led to requests for greater clarity on what the agencies, especially Natural England, required them to do and why. Natural England responded by addressing the SSSI and its condition units by improving both the information and relevance to the graziers. This initiative and encouraging farmers to monitor the condition of the SSSI led further support to the improved dialogue between agencies and farmers.

#### 1.4. Principal Stakeholders

- Farmers and graziers
- Land owners
- Natural England
- Dartmoor National Park Authority
- English Heritage
- MOD
- Environment Agency
- South West Water

#### 1.5. The outcomes

Farmers on the Forest have recently described their vision for the common. Their statement describes well the overarching outcomes that they and the statutory agencies want from the Forest:

*The Forest of Dartmoor will remain an area of extensive open landscapes, managed by commoners. Large areas of blanket bog and wet heath will dominate the vegetation. The under-lying peat will continue to act as a carbon sink by remaining wet and covered by appropriate vegetation including sphagnum mosses.*

*The importance of traditions skills and the livelihoods of moorland farmers will be valued and contribute to the long term management of the area.*

*Cattle, sheep and ponies will continue to graze to the benefit of biodiversity, food production, public access and the needs of the environment. The common's archaeology will be accessible and visible.*

The outcomes sought by Dartmoor Farming Futures reflect this vision and are:

- Public access
- Historical/archaeological conservation
- Nature/biodiversity/ecological
- Landscape
- Water quality and flow management
- Soil Protection/Peat Restoration/Carbon Storage
- Food production (farming)
- Fire prevention



## 2. Data

### 2.1. Who was interviewed and selected quotes

- Andy Guy - Natural England
- Colin Abel - Chairman Forest Trustees & Association
- Tracy May - Administrator Forest Trustees
- Andy Crabb - DNPA/English Heritage archaeologist
- Matt Cole - farmer/commoner south Forest
- Phil Coaker - farmer/commoner north Forest
- Tom Stratton - Duchy of Cornwall
- Kevin Bishop - DNPA CEO

#### Quotes

- *“agri-environment schemes are a reason for commoners to talk to each other”*
- *“Farmers feel they have more control over their farming and delivering environmental benefits rather than being dictated too from outside”.*
- *“ The problem is one of poor communication, we did not take the farmers to see the site and explain this is where we want to do it and what we want to do”*

### 2.2. Workshop description

Steering group agreed: John Waldon, Tom Stratton – Duchy of Cornwall, Dylan Bright – South West Water.

Held on 25 March 2014, hosted by Duchy of Cornwall, Princetown, Devon.

Attended by 6 of the interviewees, 10 invited.

The meeting was structured around the three key questions set out in 2.3 below.

### 2.3. Key Themes Arising under the ‘Topics of Inquiry’

- **Concurrent delivery and enhancement of multiple outcomes** or *How can a range of outcomes be delivered on the same piece of land?*

The following points were made during the interviews or at the workshop:

- **Appropriate funding.** If the outcomes are perceived to have a value then financial support linked directly to delivering outcomes is essential. Those managing or enhancing outcomes should be rewarded.
- **Effective engagement.** All stakeholders, including the active graziers, should be involved in the process of identifying potential outcomes. Those directly involved with delivering the outcomes should take the lead and the ambitions of one stakeholder should not be imposed on the others.
- **Adopt a more holistic approach to land management.** Treat the outcomes as a “bundle”. It may be more efficient to address a number of outcomes rather than one. It provides confidence that the agencies are working together.
- **Effective communication.** Provide the necessary time and language to explain what is sought and why. De-mystify the processes used by some. Clear outcomes, understood and valued by the graziers are essential.
- **Ensure the outcomes are relevant** to the area and are achievable. *“Irrelevant or unachievable outcomes are a turn off”.*

- **Ensure the area of land is relevant to the deliverers.** For example the Forest Trustees chose to deliver the outcomes within smaller areas referred to as Management Areas. These 18 Management Areas have been used to target land management and the SSSI monitoring program. The management areas are relevant to individual graziers and their leared (hefted) flocks and herds. A map of each Management Area shows selected features to enable accurate and clear delivery.
  - **Provide spatial planning maps and evidence.** Evidence from elsewhere and the Dartmoor Vision suggests that setting out where outcomes can be delivered on a map is a valuable contribution to communicating the ambitions for ecosystem delivery.
  - **Ensure the outcomes are comprehensive.** It is important that food production (rearing of cattle and sheep) is seen and respected as an outcome with equal weighting as other outcomes.
  - **A landowners' forum** enables all the landowners to provide a united and consistent approach. This is seen as a good thing.
- **Payments for Ecosystem Services (PES)**

There is an impressive array of public benefits and ecosystem services found on The Forest, including public access, stored carbon, water and biodiversity. Most stakeholders acknowledge that the agri-environment scheme payments offer reward for positive management to contribute to the delivery of outcomes associated with biodiversity (the condition of the SSSIs) and archaeological sites. Few farmers believe that these payments fully reward their efforts to manage the carbon and water. The exception would be the Forest Fire Plan that receives funding from the HLS agreement to enable the right capital items to be purchased and to pay for the fire fighters (commoners) time when fighting fires on the common.

The water captured on the uplands of Dartmoor provides 45% of South West Water's supply and is therefore of significant value to the region. A Dartmoor Mires Project is a 5 year project which started in 2010 as part of South West Water's Upstream Thinking programme. It was established as a pilot project to investigate the feasibility and effects of restoration of Dartmoor's blanket bog and to assess the impact on wildlife, water supply and carbon storage.

The project is being co-ordinated by Dartmoor National Park Authority (DNPA) and steered by a partnership involving the Environment Agency, Duchy of Cornwall, Natural England, South West Water and the Dartmoor Commoners' Council. It also benefits from a wider partnership including the MOD, Forest of Dartmoor Commoners Association, RSPB, English Heritage and the Dartmoor Access Forum which help to ensure that a wide range of interests are considered as the project develops.

A programme of restoration is implemented in the late summer or autumn each year. Restoration works aim to protect remaining intact blanket bog by reducing active erosion and to promote the regeneration of moorland bog vegetation. A comprehensive monitoring programme has been established to monitor the effects on biodiversity and hydrology and enable assessment of the benefits of restoration.

The pilot project will allow all interested partners to review the success of the restoration and the methods and processes used. At times the project has not progressed as smoothly as

partners would have wished for a number of interlinked reasons and has generated some concerns from within the farming community. As the trials evolve the experiences and hindsight offer an opportunity to identify how the process might have been more efficiently progressed.



The project is perceived by some to have started its formative stage as a blanket bog restoration and biodiversity trial and developed to measure the effectiveness of HLS in reducing the rate of water run off from the common to benefit water quality for abstraction. The project has delivered some tangible benefits, including, improvements to biodiversity, greater knowledge (through surveys, monitoring and opportunity to experiment) and the potential for further real benefits in terms of water and carbon management). Despite these benefits the project has not progressed, at times, as smoothly as partners may have wished for a number of interlinked reasons including:

- Initial communication and engagement – not as clear as it should have been both with project partners and beyond
- Vision – the project has meant different things to different people – promise of revenue payments to commoners, opportunity to pilot moorland restoration for DNPA and others etc.
- Difficulties in finalising the target area with the funder and water regulator which altered the dynamics of relations between parties
- Monitoring was set back by one year and hence the ability to demonstrate the impact of the restoration works on water quality
- Complexity of the area in terms of practical restoration – issue of unexploded ordnance, live firing, accessibility, fragile and sensitive nature of the environment and multiple interest groups

The Dartmoor Mires partnership has acknowledged that they failed to establish one partner who would have responsibility for communication and engagement and this affected the efficient delivery of outcomes.

Additional comments relating to PES included:

- Evidence and monitoring are essential and the gathering of evidence to inform decisions takes time. This need to be appreciated by all stakeholders. It is important to manage expectations.
  - The role of commoners, their rights and how common land is managed has to be understood by those proposing paying for ecosystem services. It may be necessary to financially reward all the commoners not just those who farm the area affected. Distribution of funding through the common's association is preferred but increases the responsibility and effort required by the association.
  - There is some support for future PES payments to be administered by the same organisation that is responsible for any agri-environment payments (Natural England at present) – a single broker allowing a consistent approach across England. However there is concern that this would reduce the opportunity for negotiations to secure the correct level of payment relevant to the site and circumstances.
  - Targets need to be supported and understood by all partners.
- **Understanding Rights and Responsibilities** or  
*How can the rights and ambitions of all legitimate players be respected and enabled?*

The following comments are based on the experience of the participants. They stressed the need for:

- **Good communication** – clear and effective, often including face to face discussion. Establishing a rapport with advisers and representatives from the agencies is valuable and starts to build trust. Ensuring meetings are held at a time to suit all participants especially when farming demands are high (e.g. lambing).
- **Money as an incentive and glue.** Agri-environment funding has had an essential role as an incentive and as a means of achieving sound working practice. But there is a risk that such funding is only seen as support and not reward for doing something differently.
- **Respect for each party.** Including an understanding of what commoners can contribute. Stakeholders listening to each other and having adequate time to engage.
- **Ownership by all.** Nothing imposed but developed within a true partnership where all participants have a say. Avoid one dominating player.
- Ensure all requirements are **practical and deliverable**.
- **Leadership** within the various stakeholders is extremely valuable, especially amongst the farming community. Such leaders are essential to joint working.
- **Justify and explain reasons for change** and don't rush. Provide sufficient time which can be challenging with projects only lasting 3-5 years such as the Mires.
- **Independent facilitation** can help start the processes and be withdrawn once the participants have gained sufficient confidence to continue though does require funding.
- **Commons Associations** have no standard legal constitution on how they operate. Concern that this acts as a deterrent due to the responsibilities incurred by taking on the administration of agreements and complex negotiations that are associated with money.
- Commons Associations might benefit from training and guidance to improve their performance as mediators and administrators.

### **3. Successful delivery of multiple outcomes on this common.**

#### **3.1. Who pays for and receives the benefits from outcomes.**

- **Government agri-environment**

Agri-environment schemes are clearly important, if not essential, in the delivery of outcomes. It is unlikely that the Forest would be grazed appropriately without the financial support provided by the HLS/UELS agreement as well as the Single Payment Scheme. However comments from the interviewees would suggest that the farmers are concerned that the scheme is largely designed to address the condition of the SSSI at the expense of other public goods; reducing stock levels to address the recovery of selected vegetation may not be appropriate for the archaeology, public access, water management and fire prevention. Concern was also raised relating to there not currently being a regulatory mechanism to allow private funding where there is an existing agri-environment scheme.

The Forest's fire-plan has proved successful in fighting wild fires. Such fires have the potential to destroy peat releasing carbon and to adversely affect the condition of the water leaving the common. The HLS agreement has funded capital items (e.g. foggers on quad bikes) and required a fire plan to be in place. Training of commoners to undertake fire fighting alongside the Fire Service has also been funded. The commoners now provide an essential role when fighting moorland fires and so directly benefit a range of outcomes.

- **From the market**

Whilst not particularly relevant to the main area of the Forest several of the outlying areas of the Forest are affected by recreational events.

The "£ for the Park" initiative is a voluntary donation scheme whereby participants taking part in organised events are invited to make a donation in addition to their registration fee, thus enabling them to "put something back" into Dartmoor. Dartmoor National Park Authority ask all organisers of large scale events to promote the voluntary donation scheme to participants registering for their event, with an additional contribution of £1.00 per participant.

All '£ for the Park' donations received are ring-fenced and used for practical access repairs and improvements, as well as to conservation projects. However the amount collected has, to date, been modest, (<£5,000 over 2 years).

The efforts of South West Water to secure water management have been described in 2.3. An additional observation relates to the role of commons and land owners. The legal rights of graziers was poorly understood and led to confusion over roles. However the principle of PES is well recognized by all participants but how any payments will be distributed between the land owner and those managing the land has yet to be revealed.

#### **3.2. How are relations between stakeholders managed?**

The consensus amongst the principal stakeholders, including the active graziers, is that the common is well run with few serious or obvious conflicts between those that use or have responsibility for this area of common land. This case study has sought to identify the events and processes that have contributed to this situation so lessons can be learnt and

better understood. That said the common is not without its problems and issues but it does appear to be in a good position to address them.

It is also worth stressing that external issues, largely outside the control of the local action such as agricultural policy, implementation of support payments and the general state of the livestock industry, do have an impact on how the common operates. Such external issues, unless they result in specific local action, are not addressed in this case study.

Farmers on Dartmoor have a culture that includes an array of networking opportunities. There are a lot of meetings on the Moor. This has evolved in part to address issues and partly from the Commoners' Council, DNPA, commons associations and the role of the Duchy as a significant landowner. Farmers on the Forest are used to attending meetings and participating in discussions with other stakeholders providing those agencies and organisations with clear routes for engagement.

### 3.3. What would you constitute success for this common and its management in 5-10 years' time?

The response to this question reflected the each respondent's role but it was encouraging to note the overlap suggesting that the future vision for this common is shared by the majority of the stakeholders.

The interviewees responses included:

- The Forest remains a grazed landscape with genuine farmers.
- The common continues to provide a healthy mosaic of different habitats.
- Farmers feel they have more control over their farming and delivering environmental benefits rather than being dictated too from outside.
- There should be a more holistic approach to management that avoids duplication.
- Continue the route towards wider ownership of and delivery of Natural England's agenda and let the commoners drive the process.
- The common would have open landscapes, where you can see and hear biodiversity, have access to it, see archaeology without hordes of people and you can't hear live firing.
- Less bracken and *Molina* on historic sites.
- A robust community of graziers including young commoners.



### 3.4. What is required for this to happen?

Responses to this question can be summarized by the following quotes:

- *You could improve the archaeology (and other outcomes) by better understanding the farmer's role (job) so that sufficient livestock are available and their farming skills retained.*
- *The NPA has the role to progress the journey acting as a catalyst, influencing, brokering deals and bringing people together.*
- *Continue the dialogue between commoners' representatives and Natural England.*
- *Actively seek other funding opportunities including those from the private sector.*
- *More time for me (NE) to engage with farmers.*

- *A budget for arranging local events to enable engagement or training.*
- *Continue the improvement in the agencies understanding (of hill farming and commoning).*
- *Better public appreciation of what farmers want to achieve on the common, e.g. the way the public affect the flocks of sheep.*
- *Increased co-operation, everyone working together.*
- *Flexibility within schemes (to reflect local practice and conditions).*
- *Financial reward linked to deliverable outcomes.*

#### **4. Concluding Remarks**

The interviews with stakeholders and the workshop combined to provide evidence to support the perception that the Forest has few serious unresolved issues that are unique to this common. We set out to explore how this has happened so others may benefit.

Themes emerged that contributed to the current state of affairs. It has not happened by accident or over-night but has taken time and benefited from a combination of a history of engagement, relatively few stakeholders, a supportive governance and strong leadership. Over 20 years of agri-environment has fostered dialogue and discussion but has not been without its critics. The reduction in stocking rates remains contentious but without such payments it is likely that even fewer cows and sheep would be grazed on the common as hill farming is not viable without payments, currently made by Defra, for ecosystem services.

The emerging opportunities to benefit from other outcomes are still in their infancy and much will depend on the reward structure that emerges. As one commoner said “*money is essential but it is no friend to a common, causing disputes and in-fighting*”. This refers to the challenge of negotiating the split of the funds among all the contributing parties to the scheme.

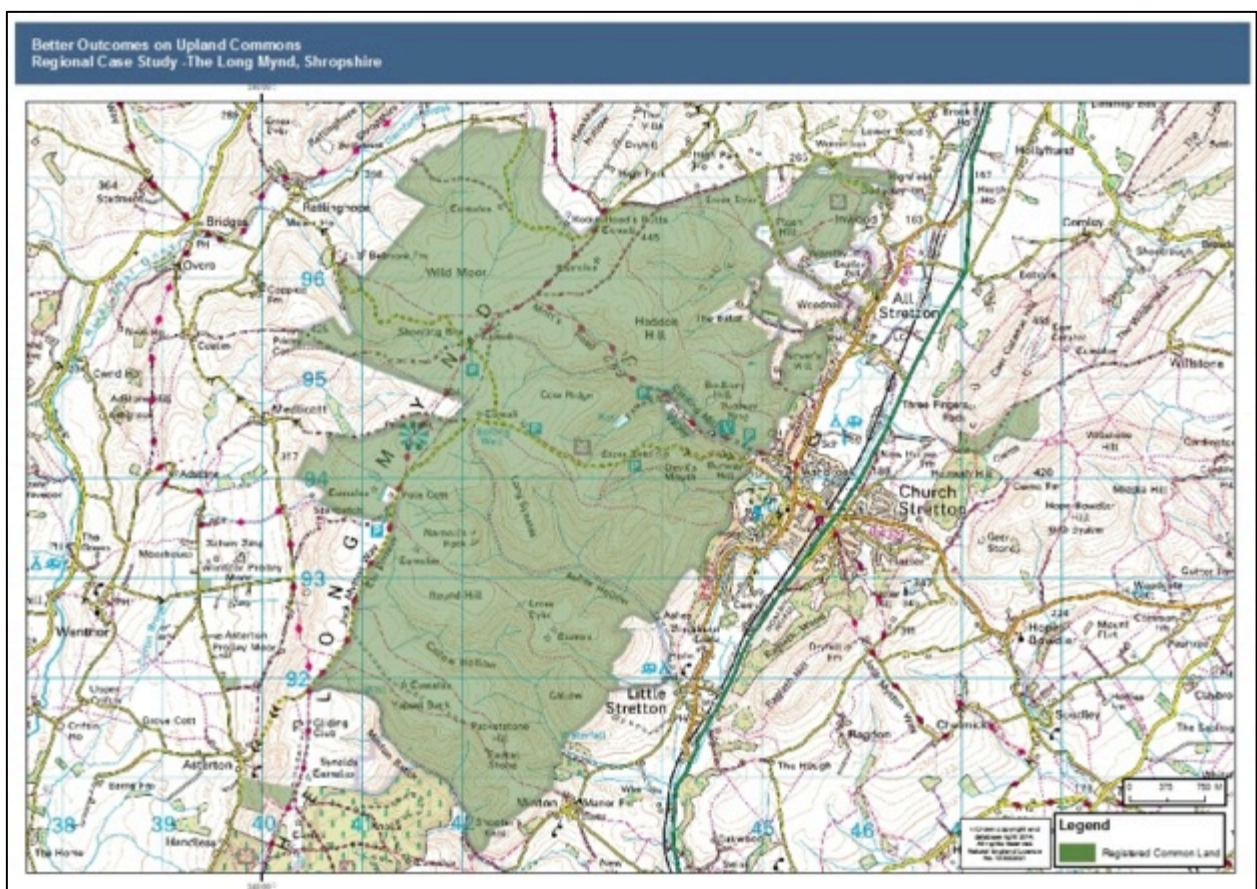
# Chapter 4 – The Long Mynd Case Study Report

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## 1. Description

### 1.1 Biophysical characteristics

Situated in the midst of rolling Shropshire Hills, the Long Mynd is a dramatic, isolated whaleback hill with an open plateau expanse of heather moorland and deeply cut valleys with hill streams. It is a landscape with significant archaeology and geology that has been modified by human activity over thousands of years. It lies within the Shropshire Hills Area of Outstanding Natural Beauty (AONB), a national designation with the primary purpose to conserve and enhance natural beauty. The Long Mynd Common covers most of the higher central part of the hill and the eastern valleys, but excludes areas on the southern, western and northern fringes of the hill (see map below).



The Long Mynd reaches its highest point of 517 metres (1,595 ft.) at Pole Bank. It is a Biological and Geological SSSI, the largest in the West Midlands.

The common is situated on the south-eastern margin of upland habitat in Britain. This is an important transitional area and the vegetation includes a mix of species which are typically northern or southern in their distribution.

There are many special habitats, including:

- Dwarf shrub heath
- Acid grassland
- Grass heath mosaics
- Some herb rich grasslands associated with shallow soils



- Mires and flushes
- Upland streams

According to the SSSI citation, the Long Mynd is the most important site in Shropshire for upland birds, including merlin, red grouse, wheatear and curlew.

The Long Mynd SSSI forms the type locality for the Longmyndian succession of rocks, which are Precambrian in age. It is the thickest, more stratigraphically complete and most important exposure in Britain of ancient, non-marine sediments deposited to the south east of the Iapetus Ocean. All the type localities for the seven group subdivisions in Longmyndian stratigraphy are included within the site.

## 1.2 Cultural and legal characteristics

The Long Mynd simply means 'Long Mountain' referring to the central ridge of the hills from the old English Lang (long) and the Welsh mynydd (mountain).

There are many historic sites on the Long Mynd. These include:

- Barrister's Plain, Devil's Mouth and High Park cross-ridge dykes
- Over 20 Bronze Age barrows, including "Robin Hoods Butts" and the Shooting Box Barrow, which is the only known example of a disc barrow in Shropshire.
- The Port Way is an ancient trackway, which runs the length of the Long Mynd, and is the largest historical feature on the Long Mynd, at just over 5 miles (8.0 km) long.
- Bodbury Ring Hill Fort, dates from the Iron Age, c. 500BC

During the 18th Century, Church Stretton began to grow in the wide valley between the Long Mynd and Caer Caradoc, as a spa town. Historically the town was known for its textiles, specifically in Carding Mill Valley. The Carding Mill was built in the 18th Century.

The Shropshire Hills AONB includes all of the Long Mynd and was designated in 1958. A large area of the Long Mynd (almost all its upland area) was bought by the National Trust in 1965.

The Long Mynd is extremely popular for recreation, having around 300,000 visitors a year, with significant economic benefits to the area. Around 250,000 visitors go to Carding Mill Valley, of whom around 30% will also visit the town of Church Stretton which is a 'Walkers are Welcome' town. Around 33,000 school children also visit the common, along with 2-3,000 taking part in Duke of Edinburgh Award expeditions. The common is increasingly being used for mountain biking and challenge events, such as fell running, with occasionally up to 1,000 competitors taking part. There is an old reservoir, which is now sometimes used for wild swimming. The hill is an important location for gliding and paragliding, though the key launch sites lie just outside the common.

## 1.3 History of Management and Interventions

The National Trust own 2,322 hectares of land. The majority of the Long Mynd in the Trust's ownership was acquired by public subscription in 1965. 10 hectares in the Batch were added in 1978 and 120 hectares in Carding Mill Valley in 1979.

2,214 ha of the land owned by the Trust is a common, which was registered in 1965 under the Commons Registration Act. In 1965 there were around 110 holdings with Commoners Rights. There are now 16 active graziers. Rights are for sheep and ponies. There were 12-14,000 sheep in the late 1990s; there are now 3,000 sheep allowed under one of the largest Higher Level Stewardship (HLS) agreements in the country. It is run by a voluntary association with no statutory powers that a Board of Conservators or a Commons Council would have.

The HLS agreement, and the ten year Environmentally Sensitive Area agreement which preceded it, have successfully influenced levels and patterns of grazing to improve the condition of the heathland. There is also a programme of controlled heather burning, and bracken composting has been successfully piloted.

#### 1.4 Identify current stakeholders

The key stakeholders involved in the common are as follows:

- Long Mynd Commoners Association
- Long Mynd and District Bridleways Association
- National Trust staff, wardens and volunteers
- The Long Mynd Liaison Group, which includes representatives of recreational users including walkers, mountain bikers, horse riders, fell runners and Commoners
- Local walking groups,
- Informal recreational users
- Special interest groups concerned with the historic and natural environment
- Schools
- Duke of Edinburgh's Award organisers and participants
- Stretton Area and Upper Onny Community Wildlife Groups
- Challenge event organisers
- Church Stretton Golf Club
- Mercia Fell Runners Club
- The Long Mynd Soaring Association - remote control gliding
- Off road motor vehicle users
- Church Stretton Area Tourism Group
- Church Stretton Town Council
- Shropshire Hills AONB Partnership
- Natural England
- English Heritage
- Local residents and businesses
- Shropshire Council as the access authority

## 2. Data

### 2.1 Who was interviewed and the most quotable quotes (not attributed)

The following people were interviewed:

Sector	Contact	Notes/ key themes
National Trust	Pete Carty- Manager	General overview Rangers and volunteers HLS agreement and grazing/ management Income from range of activities SAMs
National Trust volunteer	Eric Brown - Leader of Tuesday Task Force	Orienteering Volunteering
Commoners Association	Peter Willcox- Agent with Halls and landowner	Commoners HLS agreement
Commoners	Dave Jones- Farmer, Commoner and active grazier	Grazing and common management.
Commoners	Margaret Morris- Farmer, Commoner, active grazier and	Grazing and commons management

	Secretary of the Long Mynd Commoners Association	LMCA
Walking tourism	Alan Garner- owner, Secret Hills Walking and Chair of Church Stretton Area Tourism Group	Economic value of the common to business Walking Health and wellbeing benefits Dealing with landowners and commoners
Mountain biking/ tourism	Alan Timbrell- owner Plush Hill Cycles	Economic value of the common to business Mountain biking Health and wellbeing benefits Dealing with landowners and commoners
Horse riding	Lucy McFarlane, Long Mynd Bridleways, Shropshire Council ROW Officer and National Trust volunteer	Resolving conflicts with other users Dealing with landowners and commoners
Natural and cultural heritage	Caroline Uff- Ecologist, National Trust	HLS development, biodiversity monitoring, SAMs
Community Wildlife Group	Leo Smith- representative from Upper Onny Wildlife Group and bird expert	Ornithology, bird ID courses
Schools	Chris Stratton, National Trust Learning Officer	School visits
Shropshire Hills AONB Partnership	Phil Holden- Manager and recreational user	Wider landscape Walking, running, cycling, cross-country skiing
Ramblers	Trevor Allison- Footpath Secretary for Ramblers Association, Shropshire area	Walking Footpaths and ROW

Quotes:

- *“Very important to me, it’s the heart of my ethos and well-being and highly valued. Very few other places I would consider living”*
- *“What I enjoy most about the hill is its change of mood”*
- *“In 2013, our education work pulled in £68,000 income to the National Trust and is increasing year on year. About one quarter of the total income of the National Trust Shropshire properties comes from Carding Mill Valley”.*
- *“It’s good for my well-being, therapy for friends and provides inspiration for creative writing.”*
- *“I’m at my happiest when I’m on the hill”*
- *“I love it, always known it and love coming home to the hills”*
- *“USP on Long Mynd is ‘natural trail riding’, therefore we don’t want the site to become too manufactured or sanitised but at the same time we have to make it easy for trail users to find their way around”*
- *“Still feel National Trust promise more than they actually do with the Commoners”.*
- *“Commoners not aware of other users, they see the common as theirs, don’t realise that others value it too.”*
- *“Long Mynd is in much better condition now than in the 1990s. Much more functioning ecosystem.”*
- *“Investment is needed to maintain wildlife benefits at a landscape scale”.*
- *“It’s all a matter of scale and balance.”*
- *“Management meetings with Long Mynd Commoners Association and National Trust need to be reinstated. It’s essential to go through detail of proposed plans together, e.g. tree planting and gorse/ bracken management.”*

- *“Leave only footprints, take only memories.”*

## 2.2 Workshop description

The interviewees were invited to a meeting in Church Stretton to discuss the findings of the study and raise any further points. 11 of the 13 interviewees attended. Rob Morris from the Foundation for Common Land set the scene with a short presentation about the Better Outcomes for Upland Commons project, followed by Peter Carty, Manager of the common for the National Trust, who gave a brief history of the management of the Long Mynd. Cath Landles then presented the findings of the interviews and the interviewees were split into two groups to discuss the findings and draw out any other points. The results of this are incorporated in the discussion below.

## 2.3 Key Themes Arising under the Three ‘Topics of Inquiry’

The following summarises the responses to questions around the three Topics of Inquiry:

### Concurrent delivery and enhancement of multiple outcomes

Long Mynd common is used concurrently for a wide range of activities, by a wide range of people. The main outcomes delivered are:

- Improvements to the local economy through farming livelihoods, resulting from the grazing rights of commoners.
- The provision of environmental benefits through agri-environment schemes and other businesses, such as tourism and food and drink
- Better quality habitats for a wide range of wildlife, facilitated by the Higher Level Stewardship agreement
- Improved awareness and knowledge of wildlife, geology, land management and cultural heritage
- Protection of resources, including water quality, carbon storage, air quality and genetic resources
- Enhancement of health through recreational activities that improve fitness and relaxation, such as walking (including dog walking), fell running, mountain biking, horse riding, wild swimming, wild camping and orienteering. Challenge events are getting increasingly popular
- Improved wellbeing through providing inspiration for the arts, wonderful views, tranquillity, feeling of freedom and perception of ‘wildness’
- Conservation of the historic environment and cultural heritage

The delivery of some of these outcomes may, at times, be at odds with each other, such as challenge events for mountain bikers and the provision of safe nesting areas for red grouse or using the common for tranquil contemplation.

The common provides open access with few stiles and much of it is therefore very accessible, with opportunities for those with less mobility and for families. There are, however, steep slopes and it can be inhospitable in poor weather conditions.



## Payments for Ecosystem Services

There are a wide range of Ecosystem Services delivered by the common. These included:

- Habitat and wildlife diversity and resource protection - carbon storage, flood attenuation, water protection and private water supply, erosion control, fresh air. Grazing maintains an open landscape.
- Health and wellbeing - tranquillity, solitude, inspiration for creative writing and the arts, spirituality, keeping fit
- Recreation and leisure - walking, mountain biking, horse riding, fell running, Shropshire Hills Shuttles, events
- Farming and food production - lamb, wool products, genetic resource, traditional farming techniques
- Education for all - e.g. schools and other users, talks, walks and events

The cultural heritage of the common was not prominent in the responses of interviewees, beyond mention of the presence of the 24 scheduled monuments.

Some of these ecosystem services were paid for, others not. This is discussed in more detail below.

## Understanding Rights and Responsibilities

### Rights

Most people were aware of access rights and that Commoners had the right to graze. More specific rights were mentioned, such as the National Trust not having rights to graze, plant trees, change vegetation or manage the common without the agreement of the Commoners.

### Responsibilities

Everyone understood the need to be responsible and respect the common. Responsibilities mentioned included:

- Looking after and caring for the common
- Leaving only footprints
- Respecting other users
- Not disturbing wildlife
- Protecting the common for future generations
- Working with National Trust to protect sensitive habitat
- Telling people about the common and its management

## 3. Successful delivery of multiple outcomes on this common

### 3.1 Who pays for and received the benefits from outcomes?

The outcomes are paid for as follows:

- The National Trust, as the owner of the common, pays for much of the maintenance of paths, the car park and for information and interpretation resources. They also pay the salaries of those working there, whether they are monitoring wildlife, liaising with commoners or leading school groups. Some of these costs will be covered by National Trust membership fees but the majority (around £200,000pa) is earned through the activity carried out by the staff, including guided walks and events, car parking fees, the shop and café. The role of the volunteers and wardens in the maintenance of the site should not be underestimated.
- The National Trust are starting to charge participants of challenge events an extra £1 per entry as a contribution for the management of the common. This has been well

received so far though does not cover the full costs the event imposes on the environment.

- Natural England is contributing £2.4 m from 2010 to 2020 through the Higher Level Stewardship (HLS) agreement with the Commoners. This compensates the Commoners for reduced stocking rates.
- One of the Commoners keeps ponies on the common despite them not having a commercial value these days. This is continued as a cultural tradition because people like to see them on the hill.
- Shropshire Council as the highways and access authority is responsible for some aspects of the Rights of Way on the common and for overseeing freedom to roam on commons and other open country.
- The golf course pays for the maintenance of the course for their members and visiting golfers, primarily for recreational use.
- The Shropshire Hills Shuttle buses are managed by the Shropshire Hills AONB Partnership and paid for through Shropshire Council, National Trust, Natural England and the Church Stretton Area Tourism Group.
- Community Wildlife Groups have received external funding for their activities. This includes EU LEADER funding and the Shropshire Hills AONB Partnership's Sustainable Development Fund.

The beneficiaries:

- Local businesses benefit from the high quality environment and natural and cultural heritage of the common through:
  - Leading walking, cycling or mountain biking tours
  - Selling outdoor activity equipment and clothing
  - The Golf Course
  - Charging for events
  - Providing refreshments and other services in Church Stretton and in surrounding rural pubs
  - Providing accommodation for visitors
  - Being involved in the supply chain for the tourism industry
- Commoners benefit from being able to graze their livestock on the common, helping contribute to the overall viability of their farming businesses. The compensatory payments from the HLS agreement will also help with this. They have also found that the sheep benefit from being on the common in terms of improved health and welfare, thus reducing vets bills.
- The local community and visitors benefit from the fresh air, scenic quality, wildlife, wildness, spirituality and tranquillity of the common and see it as providing health and wellbeing benefits. They also benefit from the increased knowledge and awareness, provided in part through the resources created and delivered by the National Trust.
- National Trust staff benefit from being employed to look after the common, with volunteers and voluntary wardens gaining health and wellbeing benefits from the range of activities they undertake.
- The Shropshire Hills AONB Partnership benefits from this iconic hill being well managed as part of the AONB landscape.
- The nation benefits from the conservation of important natural and cultural heritage for future generations.

It was felt that some businesses from outside were benefiting from the common but keeping the funds in-house, thus not maximising the benefits to the local economy. This can have a negative impact on other similar businesses locally.

### **3.2 How are relations between stakeholders managed?**

Delivering multiple outcomes on the same piece of land relies on excellent relationship building. This was cited along with good communication, as the most important factors in resolving conflicts on the common by all parties. Relationships between the National Trust staff, commoners, local people, trail users and businesses were all considered important, along with the willingness to change. The Long Mynd Liaison Group was useful to many people, although it was felt that the Commoners didn't take full advantage of it. Good communication and facilitation were recognised as essential, and the National Trust and Natural England staff were generally praised in this regard. The role of the National Trust Property Manager is key and Pete Carty was singled out as being important for making things happen, both his management and his long period of management providing continuity.

It was important to know and be able to contact the right people to get things resolved.

Other issues were resolved through better information, such as a mountain bike map helping ensure cyclists kept to the tracks, guided walks and talks, monitoring of wildlife and condition of tracks and taking action. The National Trust staff, volunteers and wardens play a part in this.

Mountain bike representatives asked for more contact with the Commoners to help understand any issues they might have.

### **3.3 What would constitute success for this common and its management in 5-10 years' time? What is required for this to happen?**

In 5-10 years' time the following aspirations were raised:

- Better habitat management through mixed grazing (e.g. introducing cattle or more ponies), increased heather burning, better bracken management, more tree planting, especially in the hollows, limited grazing and access in key protected sites and predator control, to benefit ground nesting birds. Improved ecological networks between the common and surrounding farmland.
- More sustainable solution to bracken control. The current methods are expensive and the availability of Asulox to control bracken depends on annual exemptions to its ban.
- Better resource protection and improved role of wetland areas to hold water and help flood attenuation.
- Path erosion repaired.
- The successful running of a Commoners Court discussing issues, such as bracken control.
- Mechanisms for payment for ecosystem services (PES) in place, although they were not sure what the mechanisms might be. Examples suggested included charging more for challenge event participants, and a more general visitor giving scheme. Biodiversity offsetting and flood alleviation payments could also be considered.
- More activities for young people, especially around increasing awareness and understanding of wildlife and the common in general.
- Educational resources and interpretation about upland farming and the management and history of the common for the general public and other organisations. This would include increasing awareness that what people often see as 'wilderness' is actually only as it is through centuries of management by man, and the importance of continued management into the future.
- Awareness; raising of issues with s and livestock.
- The retention of tranquillity and the 'natural' feel of the trails and the wider common.
- The development of a 'Long Mynd Lamb' brand to help sell the benefits of grazing of the common, and to achieve a higher margin for farmers and a contribution to the National Trust for ongoing maintenance.
- Fewer traffic and dog incidents involving livestock.

- Better understanding of the dangers, or perceived dangers of mountain biking for other users.
- Reduction of litter especially that left behind by Duke of Edinburgh groups.
- The development of a hydroelectric scheme, alongside the log-fired boiler at Carding Mill Valley, will act as an example of more sustainable living in the future.

For these aspirations to be met there needs to be better relationships between users and stronger connections with the local community, with more management meetings between Commoners and the National Trust and more discussions between mountain bikers and farmers to understand any concerns.

Habitat improvements could be delivered by having more land owned by the National Trust, or improved wildlife management on adjacent farmed land, possibly through further agri-environment schemes. Habitat improvements on the common could include planting more trees to shade bracken and gorse in the steep valleys to benefit grassland habitat or more mixed grazing, i.e. cattle. The Commoners expressed concern about tree planting and this will need further negotiation. Cattle grazing rights were not generally registered, so old rights would have to be re-established to enable cattle grazing to occur. The legalities of this would need investigating.

A sheep themed event/ weekend to raise awareness of farming on the common, covering sheep breeds, sheep lifecycle, shepherd's year and dog worrying could help raise awareness. This could involve breed societies, National Sheep Association, Commoners, chefs, butchers, knitting groups, crafts people, children's activities etc.

Issues with dogs could be alleviated through dog training sessions, working with the Kennel Club, school campaigns, PAWS for the future (project in Peak District National Park where dog owners are talking to other dog owners).

Retaining the tranquillity and naturalness of the area could be achieved by limiting signage on the common and the number of challenge events, encouraging mountain bikes trails elsewhere (such as on Forestry Commission sites), better information and a stronger presence of National Trust staff on the hill, helping alleviate issues and providing information and support.

#### 4. Concluding remarks

All the interviewees agreed that everyone has the right to use the common but that everyone should seek not to damage the very things that are valued:

- Landscape quality
- Wildlife
- Tranquillity
- Wildness

The key word here is balance. There needs to be mutual understanding between users of the common. This works well where people know each other and are regularly meeting. The Long Mynd Liaison Group is successfully achieving this goal for many users, although more involvement by the Commoners would be appreciated.







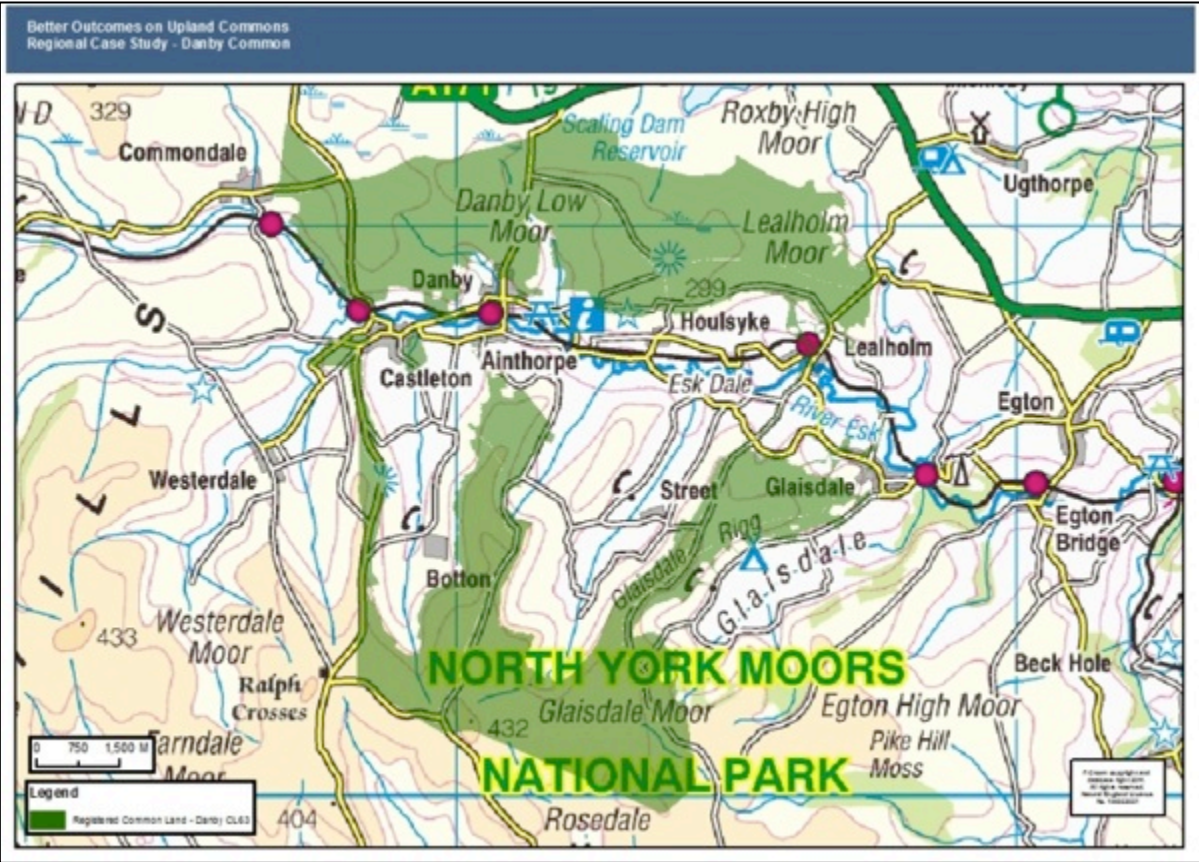
# Chapter 5 – Danby Moor Case Study Report

Rachel Pickering – North York Moors National Park Authority

## 1. Description

### 1.1. Biophysical characteristics

Danby Moor Common (CL63) totals 4,742 hectares. This is split into two areas separated by Esk Dale called Danby Low Moor and Danby High Moor. The Common forms part of the heather dominated North York Moors. The vegetation is predominately dry heath with some wet heath, mires and bracken. Important populations of birds breeding in the area include merlin, golden plover, curlew, lapwing and red grouse.



### 1.2. Cultural and legal characteristics

The Moor has been owned by the same family since 1656. It is owned by the Trustees of the Danby Moors Settlement and the main contact for the Trustees, the Estate Director (resident agent) who manages the grouse shooting in hand.

The Lord of the Manor is The Viscount Downe (the senior Trustee of the Settlement). The Lord of the Manor's interests regarding common rights on Danby Moor Common are overseen by Danby Court Leet (an ancient manorial body) who deal with infringements of the surface of the Common and oversee the use of common rights.

There are 180 entries in the rights section of the Commons Register for CL63. These include grazing rights for a total of 16,460 sheep (only 2,440 sheep currently grazing), together with a range of other rights including peat cutting.

Danby Moor lies within the North York Moors National Park and is part of the 44,000 hectare North York Moors Site of Special Scientific Interest (SSSI) which is also a Special Area of Conservation (SAC) and a Special Protection Area (SPA).

The Common is part of an extensive prehistoric landscape, with many individual sites in prominent locations retaining high visibility within the current landscape. There are 52 Scheduled Monuments distributed across both Low and High Moors.

### **1.3. History of Management and Interventions**

Court Leet was established in 1656 when the Estate was purchased by the Dawnay family. It is a Court of Law but with very limited powers.

Driven grouse shooting began in 1866 when and it is believed that prior to that date shooting was just walked up or with hawks.

Sheep numbers declined on both the Low Moor and High Moor in the late 1990s and 2001 due to retiring farmers and Foot and Mouth Disease. By the time the Environmental Stewardship Scheme was being negotiated in 2008 numbers had reached critically low levels of just over 2,000 sheep and an additional 310 sheep were needed to meet Natural England's minimum stocking numbers.

Agri-environment funding:

- 1995-2001; Danby Moor was part of the North York Moors Moorland Regeneration Programme which was largely funded by European Objective 5b, Ministry of Agriculture (MAFF) and private business and was led by the National Park Authority.
- 2003-2008; All the active graziers on Danby Moor had individual Sheep and Wildlife Enhancement Scheme agreements with English Nature.
- 2009-2019; A ten year Environmental Stewardship Scheme (HLS/UELS) was entered into with Natural England. The owner, the Court Leet and the 11 active graziers have formed a partnership, the Danby Moor Environmental Stewardship Scheme (HLS) Partnership, to enter into the Agreement.

### **1.4. Identify current stakeholders**

Landowner and those involved with the grouse shoot.

- Court Leet
- Active common rights holders
- Inactive common rights holders
- Recreational user including walkers, mountain bikers and horse riders
- Government bodies including, English Heritage, Natural England and the North York Moors National Park Authority
- Tourism industry and visitors
- Local community
- Tax payers

## 1.5. Describe outcomes

Danby Moor Common's primary outcomes are landscape, wildlife conservation, preservation of historic features, grouse shooting, sheep grazing which together support the local economy. Other outcomes are tranquillity, employment, access and recreation, preservation of cultural heritage (including the Court Leet) and the education of local people.

## 2. Data

### 2.1. Who was interviewed and the most quotable quotes (not attributed)

The co-ordinator attended the Danby Moor HLS Participators' Meeting on 11 March 2014 where 9 of the interviewees were present plus a further seven active graziers.

Following this meeting 14 people were interviewed by the co-ordinator, with some people having two roles. These were; Estate Director (also HLS Administrator), Head Gamekeeper, HLS Education Officers, HLS Contract Shepherd, Court Leet Bailiff, Court Leet Steward, 2 active graziers (both Court Leet Jurors), Ramblers Association, Natural England, North York Moors National Park's Archaeologist, Ecologist and Education Manager, and Parish Council.

Quotes:

- *'You've got to see each other's point of view.'*
- *'We have a **passion** for our work.'*
- *'The HLS pulls everyone's game up.'*
- *'The HLS has given us a new lease of life, it makes us feel valued.'*
- *'The Estate looks for the **right** thing to do not just how to make the most money.'*
- *'The agent (Estate Director) **is** the landowner to lots of people.'*
- *'There is a lack of "them and us".'*
- *'They have a shared end goal that they all believe in.'*
- *'Everyone is prepared to listen and discuss and they don't just sweep issues under the carpet.'*
- *'They work well as a team to get the best out the moor and support each other.'*
- *'The agent (Estate Director) is willing to talk things through and share knowledge.'*
- *'It takes years to build up knowledge and trust.'*
- *'They work together to benefit their environment.'*
- *'Politicians could learn something from observing how the Danby HLS meetings work. Everyone is open and honest and they listen to each other.'*

### 2.2. Workshop description

Nine interviewees attended an afternoon workshop on 28 March 2014. Steering group members from the National Farmers Union and Natural England helped the co-ordinator to facilitate discussions with the group as a whole. The discussion focussed on the three questions outlined in Section 3. A summary of findings from the interviews was

presented and further discussions built on these initial findings to develop a shared understanding.



### 2.3. Key Themes Arising under the ‘Topics of Inquiry’

#### **Concurrent delivery and enhancement of multiple outcomes**

The keys to the successful delivery of multiple outcomes on Danby Moor are:

- The attitude of a few key individuals as their attitudes and behaviour set the tone for all interactions.
- A long-standing structure respected by all participants – this is the Estate, Graziers and Lord of the Manor all linked together via the Court Leet.
- The HLS agreement gives a structure for co-operation and for dealing with issues. However, a fair and responsible HLS Administrator is essential to make this work well.
- Adequate levels of funding directed fairly to the correct recipients.
- A common goal and a willingness to compromise in order to achieve it.
- Trust.
- Good working relationships between moorland managers and statutory organisations, e.g. Natural England and the National Park Authority.

#### **Payments for Ecosystem Services**

- The Higher and Upland Level Stewardship scheme (HLS/UELS) agreement and grouse shooting income are the primary payment methods for Ecosystem Services.
- Grouse shooting income can support moorland management if the current grouse numbers are sustained (2,000 brace a year).
- Continued public support is needed to keep sheep flocks on the moor.
- Public appreciation of the uplands needs building to secure public funding in the future.
- Many visitors, including walkers, who use the moor for recreation may support local businesses such as B&B's and cafes but make no direct financial contribution to the management of the moor over and above their taxes.

## Understanding Rights & Responsibilities

- It is considered that although local residents are largely aware of their responsibilities, the wider public remain largely unaware of rights and responsibilities in the uplands.
- General public often believe that the National Park Authority is responsible for the moor. It has a role in educating the public about the reality of moorland management.
- The HLS Community/Education Officers have a role in educating local people and more information could be made available on the internet.
- Developing understanding and relationships takes time so continuity of service by key people is important.

## 3. Successful delivery of multiple outcomes on this common?

### 3.1. Who pays for and receives the benefits from outcomes?

- **Government agri-environment**
- **From the market**
- **Other transfers**
  - **Between parties**
  - **From / to external parties**

Natural England's Higher Level and Upland Level Stewardship scheme agreement provides approximately £300,000/year of public funding into the Common. Much of this funding is distributed amongst the active sheep graziers and some funding goes direct to the Estate to support moorland management which has resulted in the employment of a fourth gamekeeper. Smaller amounts go towards funding bracken control, a part time Shepherd and a part time Community/Education Officer plus education costs.

In the first 5 years of the HLS there have been 39 visits from 10 local schools which has educated 1214 pupils. There have also been 26 talks to local groups, 25 country shows and events attended, 17 guided walks and 15 workshops attended.

All the graziers also receive direct (Pillar 1) payments from the public purse on the common.

In the past few years English Heritage have spent £17,700 on the management and protection of Scheduled Monuments at risk on the Common. Natural England have spent £79,300 on peat land restoration work, organised by the Yorkshire Peat Partnership and funded through the HLS agreement. The National Park Authority facilitated this work by funding a £6,100 pilot project, funding an officer to organise work on the North York Moors and by cash-flowing the HLS funded work. The Authority also spends a modest amount on Rights of Way maintenance and signage.



As well as the above public funding there is a substantial amount of private money coming into the common from the 'in hand' commercial grouse shoot. This not only employs the

gamekeepers and casual labour on shoot days but also provides custom for local accommodation and food providers. Other market place income is received from the sale of moor sheep both for breeding and for meat.

Court Leet 'fines' or rents received on areas of the Common for fenced off paddocks and for easements etc. are spent on works, such as weed control in the villages, to benefit the wider local community.

Less direct financial benefits will be felt by local tourism businesses, local artists and land management contractors. Non-financial benefits will be experienced by visitors and local alike who appreciate the landscape, culture, tranquillity and wildlife of the moor.

### 3.2. How are relations between stakeholders managed?

- **During negotiations**
- **Ongoing**
- **As and when disputes or issues arise**

The landowner and Lord of the Manor, Viscount Downe, is represented on most day to day matters by the Danby Estate Director who is employed solely by the Estate and provides a long standing, approachable point of contact for the Estate. Practical issues regarding the 'in house' grouse shoot are dealt with by the Head Gamekeeper and his team of three under keepers.



The Court Leet has an interesting and valuable role, especially as an interface between the local community and the Estate. It is an ancient manorial body which, although essentially it represents the interests of the Lord of the Manor, is autonomous and also supports the rights of all common rights holders. Its main function is to deal with any infringements of the surface of the common, e.g. a new access track, and small 'fines' are collected for any infringement. The Court Leet also holds an overview of grazing on the moor and holds the customary right for the Court to decide if a new grazier should be allowed to exercise their common rights.

Natural England was very active when the agri-environment agreement was being negotiated in 2008 and 2009. Many meetings were held with the active graziers, Court Leet and the Estate to discuss details of management and also the Participation Agreement which sets out who does what management and how the payments are divided up between participants. Contact was also made with inactive common rights holders to ensure that they were aware of

the potential agreement over the common. The negotiation stage of the agreement is critical and must be fair and inclusive but it takes a considerable amount of time when there are so many participants and cannot be rushed.

Currently Natural England has a minimal role in ongoing relationship management but are invited to the 6 monthly participation meetings which are organised by the HLS Administrator. These are very well attended, well organised and most importantly have a positive, open and relaxed atmosphere. Although a seemingly small point, the Estate funding all refreshments and hosting the meeting in the early evening and in the local pub's private room all contribute greatly to the positive attitude of all participants.

Issues are discussed in the full meeting but with complex issues a smaller sub-group may meet again to continue discussions and then report back to the full meeting for approval. In the event of a dispute the Administrator will generally contact individuals directly before a meeting and then, if necessary, chair a discussion about the dispute at a full meeting. There appear to be no major arguments over money as there is a generous pot of funding available and adequate financial buffers were built into the agreement from the start.



### **3.3. What would you constitute success for this common and its management in 5-10 years' time? What is required for this to happen?**

The answer to this question was often 'more of the same' which highlights how well things are currently working. However, at the workshop we were able to identify the following common areas.

A viable grouse shoot which is self-sustaining and not dependent on public funding. This requires a good, sustainable number of grouse.

Achieving this means retaining current co-ordinated sheep tick treatments, good sheep numbers and coverage of the moor, legal predator control, bracken control and a similar burning regime to the current one. Inextricably linked to this is the retention of well managed moor sheep flocks and the maintenance or increase in merlin and breeding waders. It is clear that public support is needed to keep sheep on the moors.

Bracken control is seen as a key issue for many stakeholders, for the protection of archaeological remains, provision of clear rights of way and to restore moorland habitat. Another common desire is for rights of way to be clearly marked and easy to walk, i.e. cut out of the heather, and also to manage off-road vehicle use.

The Court Leet is seen by all parties as playing a vital role in the future of the Common. It is also recognised as a valuable historic asset in its own right.

It is seen as vital to continue the current trusting and open relationship between the Estate and the graziers which is facilitated by regular, well chaired meetings.

All parties aspire to have more local engagement and increased public understanding to achieve broad public support for moorland management and especially for the public funding needed to retain moor sheep flocks.



## 4. Concluding Remarks

The people involved in Danby Moor Common are very committed and passionate about their Moor. Danby Court Leet works particularly well as it is autonomous and 'there is enough good will, flexibility and tact' to deal with issues without conflict. The Jurors are very committed and, with the exception of the Steward and Bailiff, they all give their time for free. They take care of all the day to day 'infringements' and local enquiries about common rights. Not only does the Court Leet fulfil a valuable function but it is a living, breathing reminder of our history which is made all the more spectacular as it still meets at Danby Castle.

Some of the reasons why the management of this Common runs smoothly, such as the Court Leet, cannot be replicated on other moors. Most people believe that success is about having the right personalities in key roles but these cannot be altered, only attitudes and behaviours can be changed. However, there must be recognition that a change in behaviour will provide benefits for all. Case Studies like Danby Moor Common can hopefully help show that co-operation and compromise does yield many benefits for all parties, not just financial but social and environmental too.

The following advice could be given to most upland moors:

- Have a clear governance structure which is agreed by all parties.
- Have one point of contact dedicated to the moor, both for the estate and for government organisations, this helps to develop a thorough understanding of local issues and builds trusting relationships.
- Try to encourage all parties to see each other's point of view and be willing to discuss issues in a productive and open manner.
- All parties should attend a structured, well chaired meeting at least twice a year to air views and help to build up trusting relationships.
- Where there is a joint agreement, i.e. Environmental Stewardship; financial accounts must be open and transparent, and participants must be paid promptly.

New environmental schemes being set up on commons in future could learn some valuable lessons from Danby Moor Common. The HLS agreement has given partners more local responsibility/ownership and a strong incentive to work well together in comparison to previous support which was direct to individuals. A great deal of time and effort was spent by all parties **before** the HLS agreement was signed and this has paid dividends. In particular this case study shows the importance of including an appropriate financial buffer for unexpected issues and to help cash flow when payments are delayed or reduced.

Advice is often given that the HLS Administrator should be independent. However, after some initial concerns about the Danby Estate Director being the HLS Administrator, all parties now agree that this works very well as he **acts** independently and fairly when carrying out that role. The advantage of having an HLS Administrator who is heavily involved in the moor is that their greater sense of ownership and deeper understanding of the moor means that they are likely to invest more time and effort into making the agreement work well.

In conclusion, I feel that all the individuals involved in the management of the common deserve recognition for the way in which they work together as a team. Danby Moor Common has just as many issues as any other moor but it is the attitude with which they deal with those issues which makes it successful.

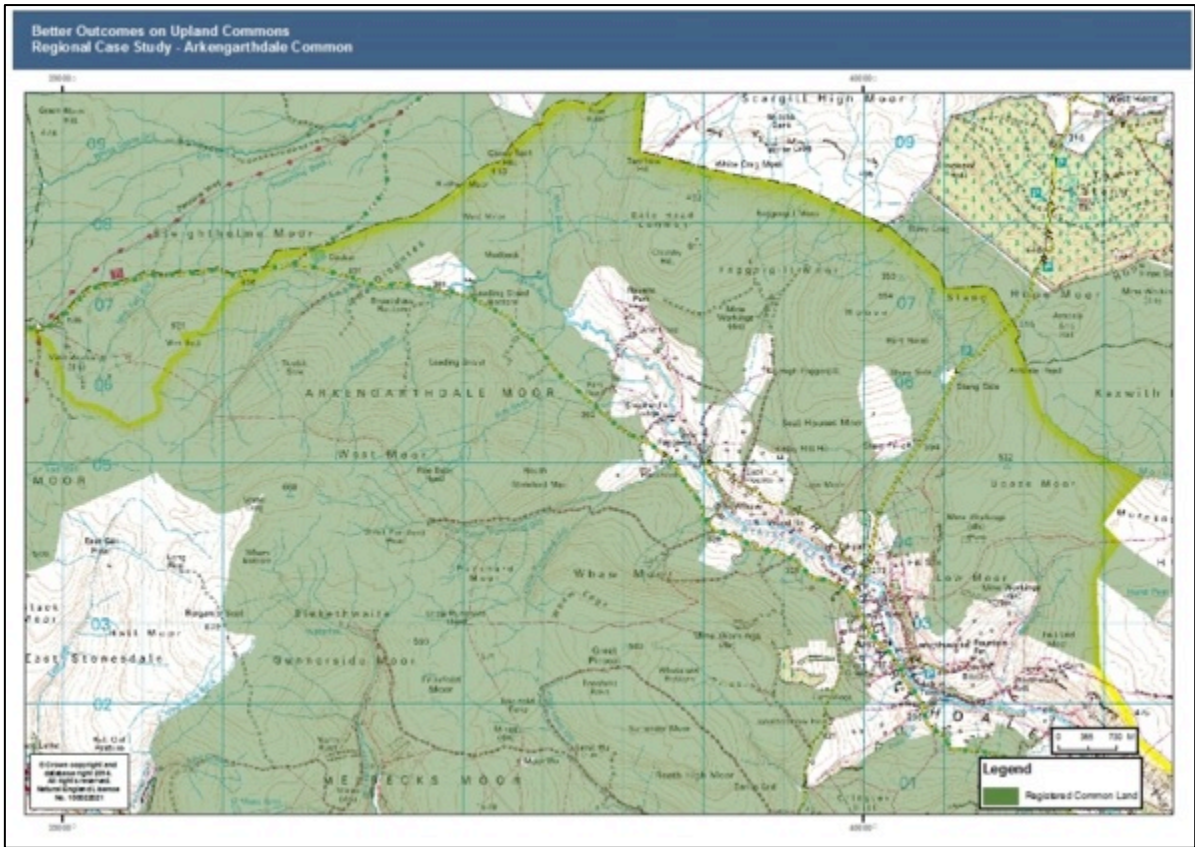
# Chapter 6 -Arkengarthdale Case Study Report

Viv Lewis – Foundation for Common Land

## 1. Description

### 1.1. Biophysical characteristics

Arkengarthdale Moor (CL 43) is on the east side of the Pennines in North Yorkshire. It runs roughly north-west to south-east and totals 5,858.83 ha of moor land and is divided into two sections West and East. This study looks at West Arkengarthdale moor which comprises nearly 60% of the common land and extends to 3510.54 ha. The moor supports a range of habitats and vegetation types including managed heath land, blanket bog, semi natural grasslands and some bracken. These moorland and moorland-edge habitats are internationally important for populations of birds including red grouse, merlin, golden plover, curlew, lapwing and black grouse.



### 1.2. Cultural and legal characteristics

West Arkengarthdale moor is a large-scale upland landscape of high, exposed moorland, with blanket bog and heath, dissected by dale. Agriculture remains one of the most important industries in the area and is based on hill sheep farming. There are 4486 registered rights, mainly sheep rights, also rights for estovers (26), turbary (28) and common in soil (3). The early clearance of woodland and subsequent sheep grazing led to the formation of large areas of open moorland. Lead was formerly worked in large quantities particularly in the 18<sup>th</sup> century and mining has left its mark on the landscape of the moor with the remains of smelting mills, chimneys and spoil heaps still visible. From the nineteenth century the moor has also been managed for red grouse, using rotational burning of the heather and predator control. During the grouse season each autumn the dale attract sportspeople from all over the world.

The dale is sparsely populated with around 400 people and the settlements of the dale are limited to a few small-scale hamlets marked by trees and isolated farm houses. There is little modern development within the dale, and with the exception of the CB Inn, little provision for the visitor. It has 6 scheduled monuments including the remains of a lead mine.

West Arkengarthdale lies within the Yorkshire Dales National Park and forms part of the Arkengarthdale, Gunnerside and Reeth Moors SSSI. It is also part of North Pennine Moors SAC and SPA and the common is currently in unfavourable recovering condition.

### **1.3. History of Management and Interventions**

In 1656 the valley was bought by Charles Bathurst, who was Oliver Cromwell's doctor and it remained in the family for four generations. It was then sold to the Brown-Gilpin family and remained with them until after the First World War. The estate has been in the ownership of the Duke of Norfolk since the 1970s

A 10 year Uplands and Higher Level Stewardship Scheme (UELS/ HLS) was signed up on 01/11/2010 currently with 11 active graziers and the owner. Previous to this scheme the moor was in a Countryside Stewardship Scheme and a Wildlife Enhancement Scheme for heather management

### **1.4. Identify current stakeholders**

- Landowner, keepers and others paid by the grouse shooting
- Active graziers
- Natural England
- Yorkshire Peat Partnership/ Yorkshire Wildlife Trust (YPP/YWT)
- Yorkshire Dales National Park Authority (YDNP)
- Local community
- Tourism

### **1.5. Describe outcomes**

West Arkengarthdale primary outcomes are:

- Retaining farming livelihoods - currently there are 11 active graziers who can graze 2548 sheep on the moor in summer (May to October inclusive) and 1177 sheep in winter as set out in the UELS/HLS agreement. Sheep include ewes with single lambs at foot and moor hogs. Another grazier is about to join the scheme. In 2000, there were 14 full-time and 2 part time graziers
- Retaining driven grouse shooting – average annual bag is 3000 brace (pairs) of grouse over 25 days shooting
- Peat restoration and reduced CO<sub>2</sub> emission
- Habitat restoration
- Access and recreation

## **2. Data**

### **2.1. Who was interviewed and the most quotable quotes (not attributed)**

The following people were interviewed: two active graziers, the landowner, the land agent, the head gamekeeper, two each from Natural England, YDNP, YPP/YWT and

the peat restoration contractor.

#### Quotes

- *Things work when there is a co-incident of interests otherwise it's an awkward dance*
- *We all have to live together. Land cannot be private anymore.*
- *Everybody has an interest in making things work on moor.*
- *Everybody gets on well, we are related to each other, all born and bred here*
- *Everyone has to respect each other's rights and work together.*
- *We are old fashioned, we borrow from each other, cooperate and help each other out, take time to stop and talk to each other*
- *We've done what we always did and this works well*
- *Stunningly beautiful landscape – magical in May and wonderful biodiversity*
- *Lovely feeling on a nice summer evening waking the sheep back onto the moor after clipping*
- *Some of the blanket bog is in fully functioning condition and as "good as you can get in England"*
- *Leave off further regulation devised by scientists in ivory towers and not properly thought through.*

## 2.2. Workshop description

Thirteen farmers, the land agent and representatives from Natural England, YDNP, YPP/ YWT and the Foundation for Moor Land (FCL) attended an evening meeting in the dale on 3<sup>rd</sup> June 2014. The meeting was facilitated by the coordinator with help from a member of the YDNP and FCL respectively. The discussion focused on the three questions outlined in Section 3. The coordinator presented a summary of initial findings from the interviews to start the discussion, verify and flesh out the findings and develop a shared understanding of the topics of enquiry.

## 2.3. Key Themes Arising under these three 'Topics of Inquiry'

### Concurrent delivery and enhancement of multiple outcomes

Sheep farming, driven grouse shooting and peat restoration and maintenance are the major activities on the moor at present. They all have environmental, economic and social benefits and are highly interlinked. Typically doing more of one often means doing less or a loss of the other, at least in the short term. The following tries to tease out some of the linkages and co-incidences of interests around these multiple outcomes. However a linear list cannot do justice to this dynamic situation:

- **Retaining farming livelihoods while allowing for moorland (heath and blanket bog) habitat restoration.** This is supported by the UELS/HLS agreement on the moor negotiated by the owner's land agent in consultation with the graziers. The graziers, who use the moor for summer and winter grazing, have over the years agreed to reduce the numbers of sheep they graze on the moor and adopt an agreed stocking calendar. At the start of the Countryside Stewardship Scheme in 2000, the graziers agreed a 22% reduction in summer sheep stocking numbers and a 45% reduction in winter. On entering the UELS/HLS scheme they agreed a further 10% reduction in summer grazing numbers and a 40% reduction in winter.

In effect, they have entered into 10–year contracts to limit the potential productivity of their farming business, in exchange for annual payments based on income forgone. These payments are shared between the graziers. They get a base payment for the number registered sheep and cattle rights they hold and

additional payments to those graziers who permanently remove sheep and/or temporarily remove sheep in winter. Sheep temporarily moved are eligible for payment once off the moor, either on the farm or away wintered. These payments do make a positive contribution to farm business income and farm planning. They provide a stable income stream over 10 year and unlike sheep sales are not affected by the vagaries of the market, but they are not inflation proofed.

- **Balancing heather production for grouse, while limiting sheep grazing the heather, especially in winter.** Over the years the owner has bought farms with grazing rights and is now partially controlling the actual numbers of sheep grazing the moor by agreeing not to exercise a number of his grazing rights. This made negotiations for the UELS/HLS agreement easier in as much as the graziers have had to make smaller reductions in the numbers of sheep they permanently remove from the moor.

In many respects agri-environment schemes have taken over the role of controlling sheep grazing for the estate and provide the funding to make it work. But managing habitats is complicated and difficult to get right. In some of the lower parts of the moor the vegetation has got rank as there are too few sheep grazing these areas, the sheep have moved up the moor and are grazing the heather in autumn.

- **Stopping the heather getting rank using controlled burning.** The owner's land agent negotiated a Wildlife Enhancement Scheme (WES) agreement with payments to deliver a controlled a burning management plan to support the restoration and conservation of the moorland heath on the SSSI. The WES scheme has been transferred across to the UELS/HLS. These payments help to make heather management affordable.
- **Peat restoration with minimal impact on grazing and driven grouse shooting by using experienced peat restoration contractors.** This is paid through one-off capital payments covered under the UELS/HLS agreement and project managed by the YWT on behalf of the Yorkshire Peat Partnership.

#### Areas where interest may not/are not coinciding

- Slight tension around heather burning. The estate can work with the current burning plans but do not want to see any further changes such as extending the burning period or no-burn areas though these are a compromise for Natural England.
- Grazing cattle on the moor to encourage declining bird species such as yellow wagtail. Natural England would like to cattle to be introduced on the moor, the owner says no and the famers are mostly negative with stories of the cattle just hanging round the road side, by buildings, scattering the dustbins
- Land ownership and management control of the dale - the owner is buying farms and re-letting them to young families. The graziers see this as generally a good move but there is some concern that the balance of power could shift over time.
- There are some notable Swaledale sheep breeders in the dale. But with declining sheep numbers the market for tups and other breeding stock has contracted somewhat.

## Payments for Ecosystem Services

### Provisioning services :

- **Food and fibre provision from farming:** sheep rearing is paid for through the market place but many farm businesses are dependent upon Single Payment Scheme and agri-environmental payments to avoid making an annual loss.
- **Water availability (water supply):** with its high rainfall and impervious rocks, this upland block is an important catchment for the river Ouse and potential flooding downstream in York.

### Regulating services :

**Climate regulation:** Large expanses of the moor are upland peat soils which were drained (gripped) in the 1970s and are now degraded in some places. Estimates suggest that in their current state, rather than storing CO<sub>2</sub> they are releasing it to the atmosphere and are a net source of carbon. Natural England through the capital works programme of the UELS/HLS agreement are paying to re-wet the area by blocking the grips and re-profiling the peat to restore the blanked bog and wet heath habitats.

**Reduction of flood risk:** re-wetting the peat supports vegetation re-growth, enabling the recovery of the natural buffering capacity of peat soil and reduces the risk of downstream flooding, particularly York

**Water quality:** Peat restoration is likely to support improvements in water quality

### Cultural services:

- **Sporting/ culture:** Driven grouse shooting with its strict code of conduct governing behaviour on the grouse moor for both safety and etiquette.
- **Sense of history:** Pastoral land use dominates the moor and visible evidence of historical land use and settlement remains intact in places. There are archaeological sites from bronze-age burial mounds to settlements and field boundaries to industrial monuments such as lead mines from various periods. Exposed geological features also give a sense of history on a geological timescale.
- **Tranquillity:** Vast stretches of open, undeveloped moorland, combined with low levels of noise and light pollution, offer a real sense of tranquillity; 96 per cent of the area is categorised as undisturbed, and the sense of tranquillity is highly valued by visitors and locals alike.

These services link directly to the physical characteristics of the area such as high rainfall, geology, soils and the coverage of semi-natural habitats, but are also dependent on the land management practices associated with low-intensity pastoral mooring.



### **Understanding Rights & Responsibilities**

- The graziers, land owner and gamekeeper have a clear understanding of the use of moor rights.
- The graziers have a good grasp of their rights and responsibilities in delivering the UELS/HLS scheme mainly managed on their behalf by the land agent and Chairman of the Moor Association.
- The game keeper and owner are clear about Heather Burning code and stick to it.
- Recreational visitors to the Moor are a cause for concern particularly in relation leaving gates open and the impact of their dogs on livestock.
- The Yorkshire Dales National Park is responsible for the scheduled ancient monuments on behalf of English Heritage, access and the planning for tracks shooting butts and other potential development on the moor.
- Natural England has the responsibility to protect and improve England's natural environment and spend tax payers' money wisely.

### **3. Successful delivery of multiple outcomes on this moor?**

#### **3.1. Who pays for and received the benefits from outcomes?**

##### **Government agri-environment**

Natural England pays for the UELS/HLS scheme totalling £3.3m over 10 years with £2.3m approx. in annual payments and close on £1m in capital works (mainly peat/grip blocking).

This benefits:

- Owner and rights holders receive payment for sheep permanently removed from the moor; active graziers receive payment for off-wintering. In many cases this income makes a significant contribution to overall farm income and is crucial to keeping the farmers in the dale.

- Owner receives payment for specific moorland management tasks such as heather burning and bracken control
- Owner has a reduced role in terms hands-on management of sheep grazing, UELS/HLS does this for him, especially reduced sheep grazing in winter
- Low(er) land farmers charge for off-wintering sheep on their land – the price of grass keep has increased due to UELS/HLS and a proportion of these payments are leaking out to lower land farmers.
- YWT receive no financial benefit as they are unable to claim a management fee (EU rules) for project managing the peat restoration work. However, overseeing peat restoration fits with their charitable objects, build skills, experience and expertise.
- Peat restoration companies get paid to undertake the capital works

### **From the market**

- Meat, breeding sheep, wool
- Income from driven grouse shooting – owner aims to break even with modest subsidy support.
- Owner able to maintain employment: 2 full time, 1 part time keepers; housekeeper full time, 4 part time; gardener full time; shooting season 40 casuals per day, 25 days in season.
- Many of the people living in the dale are either directly or indirectly involved in grouse shooting and the four-month shooting season pushes up the local hotel, guest houses and pubs/restaurants' average occupancy rate.
- Walkers and other visitors contribute to the local economy through their stays in local accommodation and other purchases.

### **Other transfers**

- Between parties
- Vermin control is undertaken by the gamekeepers, but can at times lead to huge increases in rabbit population.

### **From / to external parties**

Yorkshire Dales National Park Authority spends a modest amount on rights of way maintenance and signage and services from their rangers. They provide a loan to the Yorkshire Wildlife Trust to cash flow the capital expenditure on peat restoration.

## **3.2. How are relations between stakeholders managed?**

### **During negotiations**

A Moor Committee was initiated by the owner in the late 1980s to discuss issues of overgrazing and continues to this day. The graziers, land agent, owner and owner's solicitor make up the membership of the Committee. The Chairman is local farmer, the land agent acts as the Administrator/Treasurer and a local solicitor is the secretary.

The UELS/HLS was negotiated by the land agent and Chairman with the Natural England Project Officer. They have a Participation Agreement which sets out who does what management and how the payments are divided up between participants. The land agent is clear, that for an agreement to work it has to be transparent, equitable and fair to all parties.



## **Ongoing**

The land agent works with the Chairman of the moor who coordinates the practical day-to-day aspects of the UELS/ HLS agreement with the graziers. The land agent has been working with the graziers for a considerable length of time and communicates in a language that everyone understands

There are high levels of trust between the graziers. "Good neighbourliness" - recognising fairly your obligations to your neighbours is still a strong feature on the moor and is highly valued.

The Natural England Project Officer monitors and supports the delivery of the scheme and has built up good relationships with the graziers.

The head gamekeeper is in regular communication with the graziers and sends them all a list of shooting dates in the post.

The Moor Committee holds an annual meeting to discuss the ongoing delivery of the UELS/HLS scheme and issues that have cropped up/ may crop up in the future. Late payments from the Rural Payments Agency have caused serious cash flow issues for the graziers, especially when off-wintering bills have to be paid but their payments have not arrived.

## **As and when disputes or issues arise**

All reported that very few problems arise.

### **3.3. What would you constitute success for this moor and its management in 5-10 years' time? What is required for this to happen?**

Most want to "carry on as we are" as they believe that things are working well.

There is general agreement on what constitutes measurements of success. They want the number of people in farming to stay the same, as they see farming as the bedrock of the dale. They recognise this aspiration is going against the grain somewhat, for a number of reasons. The trend is for hill farms to get bigger.

Around half the graziers do not have successors creating uncertainty into the future. This may be mitigated to some extent if the owner of the moor continues to buy farms when they come on the market. They need public payments if they are to continue farming the moor and deliver the public goods that result from their farming systems. There is uncertainty about whether the current level of funding will continue after their UELS/HLS scheme ends.

They want the grouse shoot to continue as this provides local employments in a remote rural area and sustains the management of the heather moorland. They do not want any further restrictions on heather burning.

They would like to see more people to living in the dale all the year round as this should keep the school, pubs and life of dale going. There are currently 28 children in the primary school.

They would also like to see more information for the walkers and tourist encouraging them to understand the management of the common and be responsible visitors.



Arkengarthdale taken from the edge of Reeth moor

#### 4. Concluding Remarks

Working towards shared goals and better outcomes is currently achievable on the moor.

The ingredients that make the delivery of multiple outcomes possible include:

- The graziers have maintained traditions of good neighbourliness and have sufficient goodwill to cooperate and compromise when needed.
- People with different interests on the moor do communicate with each other
- Leadership and governance structures have been around for over 30 years promoting and supporting the coincidence of interests and provide the coordination needed for the overall management of the moor.

All the above is contingent on sufficient public funding to make it worthwhile for everybody currently involved. Payments (from whatever source) for ecosystems services/ public goods delivery also underpin and maintain the way of life the in the dale. They will need to continue into the future; otherwise the 20+ years of public investment in better outcomes may be rapidly lost if farming and grouse shooting declines.

# Chapter 7 – Haweswater Case Study Report

Simon Thorp – The Heather Trust

## 1. Description

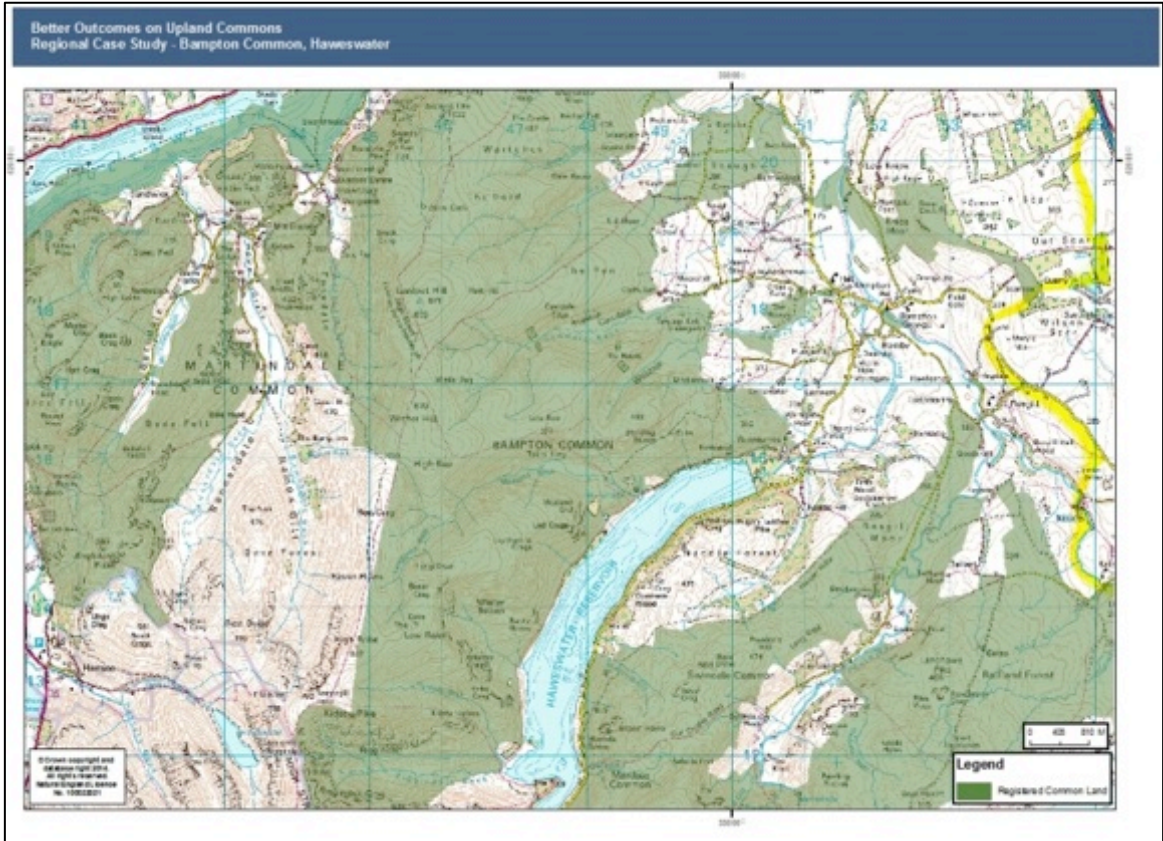
### 1.1 Biophysical characteristics

Bampton Common (CL85) covers an area of 2,577 hectares on the west side of Haweswater, and it is part of a large block of common land in the north east part of the Lake District National Park.

The Common is open fell stretching from lake level at 240m to the ridge of High Street, and the highest point is High Raise, at 802m.

The southern part of the Common, as far north as Measand Beck, forms part of the catchment for Haweswater.

The underlying rock on Bampton Common is igneous which leads to low nutrient soil with poor drainage.



### 1.2 Cultural and legal characteristics

The Lowther family owned most of the common prior to it being sold to the Manchester Corporation to allow the construction of the Haweswater reservoir; work started in 1929 and was completed in 1940. United Utilities now owns the Common and the reservoir.

The common was registered on 14th May 1969 and the registration was made final on 1st August 1972. The Common has an active Commoners' Association that was formed in 1983 and later amalgamated with the Askham Commoners' Association.

The Common is within the Lake District National Park and has six Scheduled Ancient

Monuments.

Naddle Forest Site of Special Scientific Interest (SSSI) straddles the northern end of Haweswater and the unit on the west side of the lake extending to 185 ha forms part of Bampton Common. It was designated in 1965 for the biological interest of the woodlands and the geological features.

### 1.3 History of Management and Interventions

Until the 1960s, managing the commons and their heafs<sup>1</sup> was a cooperative, relatively local process. The Parish Council worked to settle any disputes with the appropriate owners and commoners, and there was little external intervention. Everyone knew each other and it has been suggested that use of the common was a bit of a 'free for all' for the residents.

The input from public bodies has resulted in the perceived loss of local control of the Common. External funding has increased but at the cost of autonomy and a sense of local responsibility for the Common.

Bampton Common entered into an Environmental Stewardship Agreement (ESA) in 2000 and there were 66 commoners registered in the agreement but only about 30 of these were active.

At the end of the ESA agreement, Bampton and Helton commons entered a Higher and Upland Entry Level (UELS/HLS) Stewardship application jointly and 13 commoners are receiving payments. The application was approved in 2010 and the value of the HLS over the 10-year period to 2020 is close to £2 million.

United Utilities developed the Sustainable Catchment Management Programme (SCaMP) in association with the RSPB and Natural England in Goyt and the Forest of Bowland and this aimed to apply an integrated approach to catchment management. In the period 2010-2015, the programme will provide funding of £5 million for works in the Haweswater catchment.

The current funding programmes have introduced some woodland planting and the numbers of grazing livestock have been reduced on parts of the Common. In addition, the RSPB in 2012 took a 45 year tenancy of two farms with rights on three commons including Bampton Common. They have made significant reductions in the sheep flocks on these farms. Both these initiatives have been controversial and have demonstrated a need to improve the way such work is organised.

### 1.4 Identify current stakeholders

#### Public Bodies

- Lake District National Park Authority
- Natural England
- Forestry Commission
- United Utilities – owners of the Common.

#### The local community

- Commoners and the Commoners' Association.
- Lonsdale Settled Estates has a sporting tenancy that allows them to control the deer.
- The North Lakes Red Deer Group coordinates the culling of deer in the area.
- The RSPB holds an agricultural tenancy of Naddle Farm that includes grazing

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<sup>1</sup> A heaf is an area of a common or hill grazing associated with the flock of a specific holding where the sheep have become acclimatised to this location. The settled flock is said to be 'heafed' or 'hefted'.

rights at the southern end of the Common.

- There is a high level of recreational use of High Street, which runs through the Common, acting as a magnet for walkers. Other parts of Haweswater are designated as quiet zones by the National Park Authority.

## 1.5 Describe outcomes

The Common plays an important role in the provision of a range of natural (ecosystem) services.

The Common forms an integral part of the farming businesses of the commoners and therefore produces food and fibre from the grazing livestock. Maintaining the grazing value of the Common is essential to the Commoners, who obtain pride and satisfaction from managing the Common to a high standard.

For United Utilities the importance of the Common is as the catchment for the daily supply of 400 million litres of water to Manchester. Maintaining the Common in good condition is important to the Company, as the condition has an impact on the quality of the water entering the reservoir. Higher quality water requires less treatment to meet the required drinking water standards and therefore reduces the Company's costs.

The value of the Common for wildlife and nature conservation is important. The only Golden Eagle to nest in England recently has been on Bampton Common.

The area is a high value landscape and this encourages recreational use. High Street is an important long distance route across the Lake District fells and this makes the Common an important area for hill walkers, mountain bikers and others.

Timber production from the Common is limited and most of the benefit of the woodland, including the new plantation on the west side of Haweswater, comes from its landscape, biodiversity and amenity value.

The peatland on the top of the Common stores carbon and although not a highly significant amount, management aims to reduce the erosion of the peat by wind and water. It may be possible to restore the active bog function in some areas by raising the water table to encourage the peat-forming species of sphagnum moss.

## 2. Data

### 2.1 Who was interviewed and the most quotable quotes (not attributed)

The Coordinator was invited to attend the AGM of the Commoners' Association that was held on 11 March 2014 and this provided a useful insight into the issues that are of concern to the commoners.

Eleven people kindly agreed to be interviewed during visits to the area on 25th February and 11th March, and a further two interviews took place by telephone. Discussion also took place with Carl Walters (former Chairman of the Commoners' Association and assistant coordinator for the project).

#### List of Interviews

Organisation	Position
Bampton Common	Chairman + 2 commoners
Federation of Cumbria Commoners	Secretary + 1
Forestry Commission	Woodland Officer
Friends of the Lake District	Policy Officer
History Society	Chair
Lowther Estates	Sporting Manager

PF&K Land Agency	Land Agent
RSPB	Cumbria Area Manager + Site Manager
United Utilities	Land Agent + Biodiversity Officer

## 2.2 Workshop description

Two assistants were appointed to help the coordinator with the project:

- Pat Thompson, Uplands Conservation Officer for the RSPB
- Carl Walters, former Chairman of the Commoners Association (Unfortunately, he was unable to attend the workshop).

The workshop, which was attended by 17 people, was held in Bampton Memorial Hall on 17<sup>th</sup> March.

The workshop considered the issues raised by the project:

- The facilities provided by the Common
- Plans for the future
- What has been working well?
- The most important changes
- Feedback on the interviews



### Workshop Attendance List

Organisation	Position
Bampton Common	Chairman + 4 commoners
Federation of Cumbria Commoners	Secretary
Forestry Commission	Woodland Officer
History Society	Chairman + 1
LDNPA	Head of Environment & Heritage
Natural England	Better Outcomes Coordinator
Natural England	Land Management Officer, Central Lakes
RSPB	Site Manager
RSPB	Uplands Conservation Officer
The Heather Trust	Director + Project Manager
United Utilities	Biodiversity Officer

## Quotes:

### By farmers:

- *It's always the farmers' fault.*
- *We can't always have cheap food.*
- *There is nothing better than a day at the fell*
- *It feels like the flow of knowledge only ever comes from the top down, never from grass roots upwards.*
- *We're farmers. We like to see our sheep but we also like to see wildlife.*
- *I haven't had a holiday in 13 or 14 years.*
- *There is no longer any common sense, no balance.*
- *Contractors (planting the woodland) caused more erosion than sheep would do in 10,000 yrs.*

### About farmers

- *Farmers do not understand where they fit in and they do not help themselves, as there is little unanimity amongst them.*

### By others

- *The management of recreational access 'Should not rely on walkers reading websites'.*
- *Money divides people.*
- *I can get more response from my wellies than from the RPA.*
- *Natural England needs to explain what they are trying to achieve.*
- *There is a danger of protecting a small-scale, special place, while the rest of the area goes to pot.*
- *There is competition in the water industry; water will be bought from where it is cheapest.*

## 2.3 Key Themes Arising under these three 'Topics of Inquiry'

### Concurrent delivery and enhancement of multiple outcomes

It is clear that Bampton Common is valued in many different ways and where the different uses and values interact, tensions can develop. These tensions can lead to isolation of different interests and inefficient management of the Common.

At present, there is no effective mechanism for dealing with disputes that affect the Common and many stakeholders are aggrieved by the perceived failures of other stakeholders.

The farmers have an important role to play in the management of the Common with grazing livestock, but currently they do not feel that they have adequate control of this management. They see recent management interventions being introduced by the RSPB as a threat to their livelihoods.

The National Park recognises the importance of agricultural management to the cultural heritage of the Lake District and this will form the basis of the application to become a World Heritage Site. Part of the justification for the application is the recognition of the impact of the 'continuity of traditional farming and local industry in a spectacular mountain landscape'.

### Payments for Ecosystem Services

In addition to market payments, there are existing payments through the Common Agricultural Policy for the production of food and fibre from sheep; these payments are under review.

The introduction of the ecosystem services concept has led to the development of

thinking about other possible sources of income.

The most tangible service for Bampton Common is the provision of high quality water from the catchment.

- This provides justification for United Utilities to invest in the management of the catchment to reduce the treatment costs of the water to achieve increasingly high drinking water standards.
- SCaMP (see para 1.3 above) has provided benefit to the common although this has not provided direct income to the commoners.
- Increasingly, United Utilities and other water companies are recognising the benefits of catchment management as a means to improve water quality rather than relying on expensive water treatment.
- Other opportunities for payments that are under consideration, but not yet in place at Bampton, include:
- Payments for capturing and storing atmospheric carbon - “farming sphagnum moss”
- Visitor payback schemes.

### **Understanding Rights & Responsibilities**

The rights and responsibilities of the main ‘resident’ stakeholders in the common are well-defined and understood. Whether stakeholders are living up to their responsibilities is a separate question.

Recreational visitors to the Common are a cause for concern particularly in relation to the impact of their dogs on wildlife and livestock. Visitors need to be informed that, while they have the right to roam, this right comes with responsibilities. The view was expressed that effective management of walkers needed more than just a web page and that this was a role that the National Park should accept.

## **3. Successful delivery of multiple outcomes on this common?**

### **3.1 Who pays for and received the benefits from outcomes?**

#### **Government agri-environment**

Farmers receive CAP payments and then their share of the Higher Level Stewardship (HLS) payment (£168,700 p.a. is split between the commoners).

- The Rural Payments Agency (RPA) makes the HLS payment on behalf of the commoners to PFK in Penrith for distribution.
- Late payment has been very disruptive and has detracted from the effective implementation of the management plan.
- It was reported that liaison with RPA has been difficult if not impossible at times. This has been a great source of frustration for all.

Farmers commented that they dislike having someone always “looking over their shoulder” but this was accepted as a necessary evil in return for the funding from the public purse.

#### **From the market**

Farmers expressed a preference for getting paid for what they produce and there was a discussion that the value attached to the production of high quality, local food was not high enough.

The income from the water produced off the Haweswater catchment is of fundamental importance to United Utilities but it was noted that a competitive market is developing for water supplies, making it possible to source water from where it is cheaper or more



readily available. This makes the management of the catchment on Bampton Common all the more important.

A carbon market is developing and this might provide another source of income to cover the management of the peat soils on Bampton Common. Currently, it is only possible to accept funding from the private sector but this might develop to include other sources of funding in due course.

#### **Other transfers**

£31 million is spent annually on subsidising Lake District farmers each year. An alternative means of providing local funding might be attractive

There are 16 million visitors to the Lake District, and therefore a 'Visitor Payback' payment of £2 per visit would mean that the Lake District's farmers could be free from central government subsidy.

### **3.2 How are relations between stakeholders managed?**

#### **During negotiations**

A facilitator helped to prepare and submit the HLS application and the Chairman of the Commoners' Association supported her. It was a difficult process that took longer than anticipated but success was achieved.

#### **Ongoing**

Commoners have felt dislocated from the HLS after it was set up. They expressed concern about the lack of input and feedback from Natural England to help with the delivery of the scheme. Currently, there appears to be no clearly identified representative from Natural England and this makes for poor relations.

The development of a long-term, working "partnership" would allow everyone to feel more involved and be able to contribute to the delivery of the scheme. Such a relationship would also improve the quality of delivery and therefore the value from the investment in the Common.

#### **As and when disputes or issues arise**

In the absence of any alternative arrangement the Commoners have to rely on their Chairman.

Issues with other organisations rely on both sides wishing to address and resolve a problem. There is no central system for expressing a grievance.

### **3.3 How do stakeholders constitute success for this common and its management in 5-10 years' time? What is required for this to happen?**

#### **A Vision of Success**

##### **Stakeholders**

- Stakeholders will be working together effectively.
- The commoners will be working better together so that they are able to communicate their views to other interest groups effectively.
- Natural England will have explained their objectives clearly and will be providing active support with the delivery of the HLS programme of work.
- The application for a World Heritage Site will have been successful and this will be raising the profile of the Lake District and increasing the income from recreational use.
- The National Park will be promoting the value of agricultural management of

the Lake District Commons in line with the paper published on 17 June 2013: Agriculture in the Lake District: The LDNP Partnership's Intention.

- United Utilities will be obtaining high quality water from the catchment, and will be liaising fully with other stakeholders.
- The RSPB will have explained that their objectives, while different to other farmers in the area, are not in conflict with other stakeholders. They will have established better links to other interest groups. Commoners will no longer see the organisation as a threat.
- The Rural Payments Agency will have developed an approach that is sympathetic to the needs of its customers that will include paying customers on time.

### **Communication**

- Better communication at all levels will have been established.

### **Sheep Grazing**

- Commoners want grazing to be recognised as providing the best form of management for the vegetation on the Common.
- Grazing will be carefully planned to take into account the current state of the vegetation, the target condition for the future and the economic needs of the farm businesses that depend on the Common.

### **Other Grazing**

- The impact of other grazing animals, principally red deer, will be integrated into the grazing plan.
- Enough resources will be made available to manage the annual cull to maintain the Red deer herd at the level agreed by the North Lakes Red Deer Group.
- Pony numbers will be managed and enforced at the agreed level.

### **Access Issues**

- Better visitor management & information will happen so that all visitors recognise that with their right of access comes with responsibilities.
- Appropriate facilities will have been put in place to inform and manage visitors and these will be properly maintained.

### **Additional Funding**

- The potential for funding from ecosystem services will have been developed to provide some additional funding for the management of the Common.
- A visitor payback scheme will be providing an additional source of income to commoners to fund some of the management work.

### **Woodland**

- A decision will have been made amongst all interest groups about the scope to expand the area of woodland on the fringes of the Common.
- The review will have engaged all stakeholders, including the local community, and additional planting will be taking place only if all interests could see a benefit.

### **Future of the Common Land system**

- A review of the traditional management of the commons will have taken place to assess whether the dependence on an active heaf system to keep sheep in their own area is now appropriate. This review will have addressed

concerns that the common land system is collapsing and becoming increasingly difficult to manage. If the concerns have been justified, consideration will have been given to alternative management regimes, including the enclosure of commons. During the workshop, the commoners raised enclosure as an alternative approach to the management of stock in view of the loss of hefting and a reduction in the number of people on the farms.

### **Farm Succession**

- Pension arrangements for farmers will have been reviewed to make better provision for farmers in retirement.
- A retirement scheme will have been considered and funded if it can be justified.
- This will allow more farmers to retire to make way for the next generation or a successor.

### **New Entrants**

- The impact of an ageing farm workforce and declining numbers will have been addressed and new entrants will be given support to allow them to become the future managers of the Common.
- The new blood will have eased the pressure on the commoners when trying to manage the Common to a high standard.

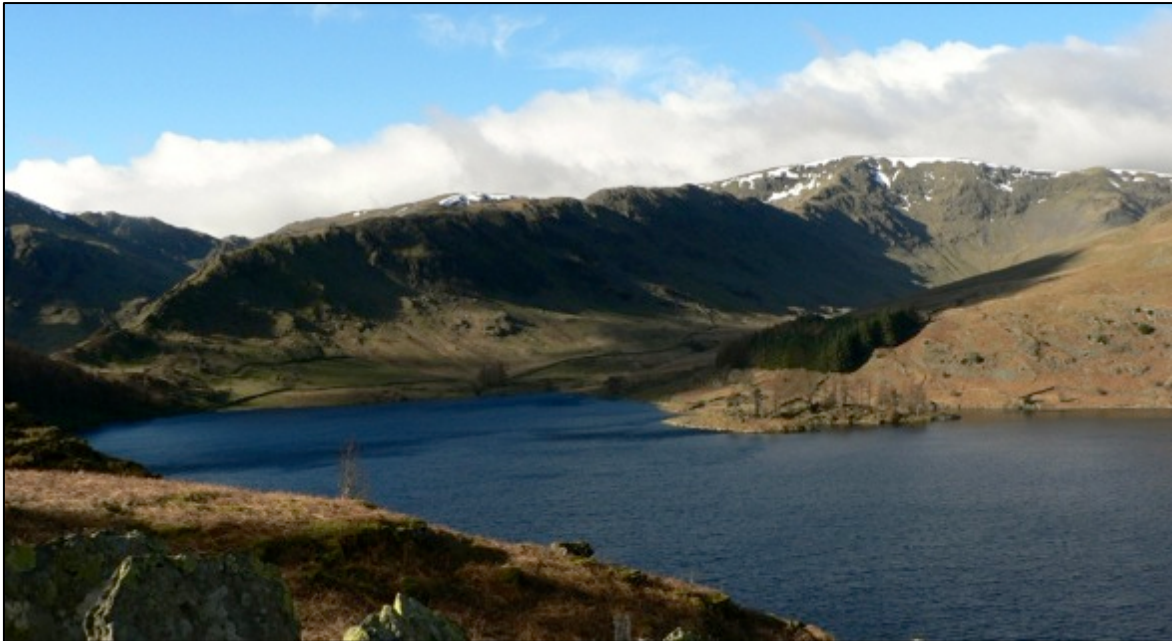
## **4. Concluding Remarks**

- There is a lack of coordination between the different interest groups and there is great scope for better relations and better communication between them.
- Better communication with other interests would improve mutual understanding.
- Opposition to change, by individuals and organisations, is raising barriers to progress. Ways to move forward need to be found.
- An ability to refer any concerns or problems to someone who could liaise with other interests would help to remove the barriers.
- Perceived problems and threats are as important as real threats.

### **Role of Organisations**

- The Commoners Association needs to improve the way it communicates the requirements of the farming community to other interests and organisations.
- The Commoners do not know who to contact at Natural England (NE) and therefore there is little or no input by NE into the delivery of the HLS scheme. This lack of input is hard to understand in view of the large amount of public money being invested.
- United Utilities is the landowner of the common and the landlord to many commoners but is not taking a leading role in pulling interests together, as might be expected.
- The presence of RSPB has had a big impact, but the organisation has not been sensitive to this. It would be better for all if they sought to fit in rather than act autonomously.
- The Lake District National Park is playing a less prominent role than previously. This is regretted by many people and is a missed opportunity to harness the enthusiasm of those who live and work in the area.

- The delayed payments by the Rural Payments Agency have been very disruptive.



The biggest single factor facing Bampton Common is the lack of anyone with a coordinating responsibility for the management of the Common who is capable of or willing to bring the agencies, NGOs and commoners together. Furthermore there is no institutional structure that brings parties together. This lack of coordination has led to a disjointed, inefficient approach to management and no mechanism to sort out issues and disputes.

The management of the Common has split into separate factions with insufficient consideration of the interdependence between them. In isolation the different factions will achieve only a fraction of what could be achieved through an integrated approach.

As a process to improve matters, all stakeholders could be invited to identify the barriers to the achievement of their objectives. A collective review of the barriers could determine how limited resources could be applied to the best effect. It might be best that a third party carried out such a review.

Some may hark back to the 'good old days', when local people were left to get on with the management of the area, but now there are many more land uses than there used to be and all have the potential to conflict with each other. The stakeholders have the necessary skilled management but better coordination would provide dividends.

Managing the Common requires land management skills, which are much in evidence. Managing the aspirations of the people who have an interest in the Common so that everyone works together requires different skills. Both forms of management are required if the Common, and everyone involved with it, is to prosper.

# Chapter 8 – Summary of Case Studies

## Julia Aglionby – Foundation for Common Land

### 1. Introduction

The five preceding chapters have provided an insight into the diversity and complexity of upland commons across England from the Southwest to the Welsh Marches, from the Lake District to the Yorkshire Dales and further east to the North York Moors. The case studies were chosen not only for their geographical spread but also for the range of outcomes delivered. By outcomes we mean benefits or functions, or in today's parlance; ecosystem services. The eight core outcomes arising from the management of upland commons are identified in no particular order as:

- Landscape
- Farming
- Biodiversity Conservation
- Water Provisioning
- Carbon Storage
- Historic / Archaeological Sites
- Access
- Grouse Shooting

Not all these are present in all locations and the delivery of some has proved to be less contentious than others but what all the case studies have in common is that as society we value each site for the complex mix of goods and services provided – the outcomes. A key aim of this report is to identify the attributes or characteristics of successful management so to provide guidance to reduce tension between the delivery of multiple outcomes concurrently. For instance can we have a vibrant farming community alongside favourable condition of the SSSI and ensure access is maintained? Furthermore can we improve outcomes of one or more outcome without imposing a reduction in the level of other outcomes?

We have specifically avoided prioritising one outcome over another, as this would require subjective judgements. In some cases the delivery of a particular outcome was not at risk or already protected and in this case it may have received less attention in the case study, that should not be taken as evidence it is less important unless it is absent – as with grouse shooting on three of the five case studies. **The underlying premise is that we should aim to deliver all outcomes that are legally protected or designated and that people have the right to exercise.** In addition there may be others that are national priorities such as carbon storage that are also of importance. It is over the nature and quantum of each outcome that tension arises.

The legal rights on upland commons range from the property rights of commoners and owners to the statutory rights of access and protection for landscapes, historic sites and biodiversity. This landscape of legal pluralism does not produce a hierarchy of legal outcomes though government policy does have different priorities at different times. Rather the law requires all to be delivered concurrently which creates an inherent tension as special interest groups lobby for the improved status of one outcome often at the expense of another. It should though be noted that private property rights can be constrained in the public interest to protect SSSIs.<sup>2</sup>

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<sup>2</sup> R (on the Application of Trailer and Marina (Levin) Ltd v Secretary of State for the Environment, Food and Rural Affairs and another [2004] EWCA Civ 1580)

The ambition of this project, as agreed by the participating partners is to make this tension creative rather than destructive so avoiding the need to fall back on the law. While property rights can be constrained it was recognised early in the project that the management for and by agricultural and sporting interests is what has created the designated sites and the distinctive and cherished landscapes of the uplands. From a purely practical point of view if farmers and owners abandon the land because they see no purpose in continuing to manage it then it would be prohibitively costly for the state to deliver the same outcomes. Furthermore unless collective grazing by commoners and management by owners continues then common land may legally be common land but will not be so in practice. It would be akin to protecting the fabric of a cathedral with no services taking place; something intrinsic to the very being of the site would be lost. Commons with no grazing become a museum to past management rather than a living landscape.



The Long Mynd

## **2. Successful delivery of multiple outcomes on upland commons**

### **2.1. Mitigating tension between outcomes**

Each case study presented themes related to delivering multiple outcomes on upland commons. There were repeated examples where successful delivery of multiple outcomes occurs. The table below highlights firstly where there is rarely conflict or even synergy between outcomes, secondly where tension between the delivery of outcomes can be diffused by good design and thirdly interactions where outcomes are usually contested but where payments and collaborative design can deliver positive results for both outcomes. The lines between the categories are dotted reflecting that the position can change depending on the local circumstances.

The variety of outcomes is wide ranging and they are highly linked as emphasised in the West Arkengarthdale report. As a result we should all embrace the finding, as expressed on The Forest, that all stakeholders need to consider the impact of their actions on all ecosystem services. There can be a tendency for all stakeholders to focus on the features that are their priorities. When this occurs amongst policy makers this can lead to a focus on environmental public goods and leave to one side provisioning or cultural services. This single focus often leads to long term problems for delivery of the target outcomes as the actual land managers – the commoners and owners feel unengaged from the ‘priority’ outcomes – and do little more than meet the letter rather than the spirit of the prescriptions.

As part of this process farmers, moor owners and conservation NGOs also need to be encouraged that it is beneficial to themselves to be more holistic in considering the impact of their actions. Interestingly in all the successful settings in these case studies there are

trusted forum for managers and commoners to come together often with other stakeholders. This minimises the risk of different stakeholders making conflicting policies in isolation of others.

*Table showing the interaction of each of the 8 core outcomes with the other outcomes.  
NB The lines between the categories are dotted reflecting that the interaction can change depending on the local circumstances.*

<b>Outcome to be Enhanced</b>	<b>Very little / no tension</b>	<b>Tension can be mitigated by design</b>	<b>Negotiations and payments can resolve tension</b>
<b>Pastoral Commoning</b>	Landscape Historic	Access Carbon – grip blocking	Water Biodiversity Sporting
<b>Biodiversity</b>	Carbon Water	Farming Access - fences Historic	Farming Sporting
<b>Access</b>	Landscape Historic Carbon	Biodiversity Sporting Water - fences Farming	
<b>Sporting</b>	Historic Sites	Carbon / Water-grip blocking Landscape Access	Farming Carbon - burning Water Biodiversity
<b>Water</b>	Access	Landscape – fences Historic Sites	Burning Farming
<b>Carbon</b>	Access Water Biodiversity Historic Landscape	Farming	Sporting
<b>Landscape</b>	Farming Sporting Historic Sites Access	Biodiversity – fencing Access – challenge events Water	Access – path erosion
<b>Historic</b>	Farming Access Sporting Carbon Landscape	Water Biodiversity	Farming–restoration of monuments

While it is a natural desire for people to wish to enhance the specific outcome they are interested in the case studies tell us that proposals that are appropriate and sensitive to the context of that location are more likely to be achieve the desired outcomes. Success can be enhanced further particularly when targets are framed in a way that is appropriate to the existing day-to-day management tasks; i.e. we all benefit from adopting a place based approach that makes sense to active users.

## 2.2. Who pays for and who receives the benefits from outcomes?

The case studies describe the beneficiaries and the payees for each outcome and the data demonstrates that benefits from the outcomes are widely but not equally spread among different user groups. Consequently the costs and benefits are unequally shared.

The different types of interactions can be summarised into the following three categories:

A. Non-contentious: Benefits from an outcome are provided to others (the public) at no extra cost to the provider as an unintended consequence of management

e.g. Commoners grazing on Long Mynd keep the moorland accessible for ramblers and horse riders and maintain the condition of historic sites and the cultural landscape.

B. Synergistic The provider receives a payment for delivering a specific positive outcome to the public and this payment also maintains or improves another outcome

e.g. Environmental Stewardship payments to commoners on Bampton improve the water quality and biodiversity for the water company and society but these payments also underpin farming business viability allowing commoning to continue.

C. Negatively Correlated Regulations and / or schemes which reduce the outcomes some people receive but improve other outcomes

e.g. Lengthening the burning rotation on West Arkengarthdale reduces or caps grouse bags but the subsequent change in habitat improves the condition of SSSI.

These three categories are useful for arranging our thoughts but a reductionist approach risks presenting a simplistic picture of the uplands. In practice there are numerous interactions on each site all the time. Decisions that land managers take are not binary; or black and white; but multiple with overlapping consequences and numerous shades of grey. So on a single site some interactions between outcomes will be non contentious (A), others are synergistic (B) while a significant number are contentious due to the outcomes being, or appearing to be, negatively correlated (C).

The reason many interactions fall into category C is that different parties have different legal rights and responsibilities. The varied distribution of property rights combined with the differentiated distribution of responsibility for public goods between different government bodies and NGOs results in a silo approach and a consequential lack of unity of purpose. This is the reality of management in the uplands and the purpose of Better Outcomes is not to change 'reality' but to ensure it is recognised and that management planning takes it into account.

Many individuals involved in countryside management are familiar with the complexity of multi-functional management but few, quite understandably, make management decisions that impose costs on themselves (or their organisation) to deliver benefits to others. It is therefore important to understand what the cost (if any) is to a stakeholder of providing a benefit to others when it conflicts with their core purpose. How can that cost be mitigated or compensated? Furthermore costs are not always financial but may relate to a reduction in outcomes that affect a person or organisation's sense of self worth or perceived duty.

In practice each commoner, owner, NGO and government body decides on the optimum combination of outcomes they seek. If any one stakeholder ploughs ahead with their intentions in isolation of others a clash in interests is likely with disputes ensuing. Bampton Common demonstrates the consequence of a lack of co-ordination between conflicting interests. The cases studies also highlighted good practice where schemes have been adapted to maximise outcomes to all such as with Farming Futures on The Forest and at Danby. Often you can have your cake and eat it if you take longer to prepare it and accept a final ingredient list that varies from your original design.



- **Benefits and costs from Government agri-environment schemes**

Payments from environmental stewardship schemes are made to the commoners and owners of the common land to deliver improvements across a range of outcomes though they are primarily focused on improving outcomes for biodiversity. All five case studies currently have higher level environmental stewardship schemes (HLS) which reflect that there is SSSI land on all the commons. In all cases, except Bampton, the majority of each common is designated as SSSI.

There are also some synergistic benefits from HLS for farming and sporting. The reduction in sheep numbers represents a reduction in the outcome in performance terms from farming but commoners noted it would be difficult, in a no scheme world, to match the loss of HLS income by increasing flock size due to the low returns from sheep farming. Danby is the wild card in the sample as here commoners and the owner have been paid to increase sheep numbers so the outcome from farming has increased alongside outcomes for biodiversity. What farmers seek is not a 'no scheme world' but schemes with the flexibility to design prescriptions that mitigate the costs the schemes can impose. Joint planning of a vision for each site is required rather than a creep towards gold plating a narrow set of outcomes at a cost to other outcomes.

With regard sporting benefits on West Arkengarthdale the owner acknowledges that the payments for HLS mean that sheep numbers are reduced to a level that is beneficial to the sporting interest and the value of his grouse moor – another synergistic benefit.

While HLS payments can deliver net benefits for all the eight outcomes there are some costs as well and sometimes these costs can cause resentment that undermine the overall picture. These include:

- The reduction in sheep numbers reduces: agricultural income, the genetic pool of the flock and labour requirements so reduce opportunities for successors
- Requirements to off-winter sheep adds costs, stress and extra labour costs
- The lengthening of the burn rotation and no burn areas on driven moors reduces grouse bags
- Fencing required for woodland planting schemes changes the open moorland landscape and can impede access
- Negotiating and managing the HLS can cause friction between and within different groups that takes years to heal and impacts on the delivery of outcomes

- **Payment from the Market**

The case studies highlight a number of goods and services produced from or on the common that are sold in the market place. These include:

- Livestock – for breeding, fattening and meat
- Let grouse shooting
- Guided visits to the common including bike hire etc
- Tourism businesses near the commons that capitalise on the landscape and wildlife on the common
- Water flowing from the catchment
- Organised events

Examples of payments from one stakeholder or user to another from the case studies are:

- Payments on Bampton from United Utilities, a water company, via SCaMP for woodland management to deliver better water quality but also biodiversity and

landscape outcomes.

- Payments from the organisers of Challenge events on Dartmoor to the National Park and on Long Mynd to the National Trust. The amount of money raised is small.
- The Estate purchased farms with common rights at West Arkengarthdale. These common rights are now held in hand with the effect of increasing the HLS payments for the remaining commoners
- Commoners who have B&B and holiday cottages receive payments
- The National Trust fund management activities on the Long Mynd so visitors benefit from a better experience but do not charge for access.
- South West Water paid for habitat restoration works on a pilot area of 110ha of The Forest of Dartmoor bringing benefits for biodiversity—payments for landowners and commoners are currently being negotiated
- The owners of both Danby and West Arkengarthdale provide the professional services of their agent as the facilitator and co-ordinator for the HLS schemes.

The challenge for increasing private payments for public goods is that:

- the benefits from the outcomes are widely distributed and it is challenging and expensive to capture the value of the visits
- the amount of money is small relative to the payments from environmental stewardship schemes
- markets for payments from water and carbon are underdeveloped
- planners prefer biodiversity off-setting projects to be close to the development site but as all these upland commons are in designated landscapes the numbers of developments requiring off-setting will be limited

The overall sense of the case studies is that more private PES would be good and welcomed. Several workshops noted that substantially more engagement is required with visitors to the commons to encourage the public to consider paying for public goods even if simply through the tax system. Furthermore there is some concern that private payments, particularly if voluntary, are at present unlikely to raise enough to be a realistic alternative to state funded environmental stewardship schemes. These five case study sites alone collectively receive in the order of £2 million per year from HLS and UELS.

### **2.3. What will Successful Management of Upland Commons look like 5-10 years in the future?**

All the participants in the case studies were asked to consider what successful management of the common might look like. The answers can be divided into three types:

*Success related to specific outcomes will include:*

- A robust community of graziers with mechanisms to allow older graziers to retire and new entrants to succeed as commoners
- Sheep grazing recognised as a suitable vegetation management tool
- Bracken under control
- Improved water quality
- Continued environmental stewardship payments
- Sustainable and financially viable driven grouse moors
- Shared and locally determined views on woodland, location and extent
- Better habitat management
- Improved condition of the SSSI

- Improved condition of peat bogs
- Path erosion repaired

*Success concerning relations with the wider public both visitors to the commons and society at large will include:*

- Increased understanding and appreciation by the public of the outcomes and services provided by commoners, owners of common land and other managers so that taxes paid for stewardship schemes are considered good value
- Those who use the common should directly contribute to the cost of its management through private payments for ecosystem services

*Success that relates to relationships between the stakeholders to deliver the specific outcomes will include:*

- Better Communication
- Trust between stakeholders
- Mutual understanding of respective rights and interests
- Effective and fair co-ordination between interests on the common
- Natural England liaise regularly and communicate effectively with agreement holders
- Natural England encourage wider ownership and delivery of their objectives with commoners and common land owners
- Well managed environmental stewardship schemes

Despite their distinctive characteristics and management there was a strong correlation between the sites with regard the findings in all three categories. Furthermore the case studies show that on some sites effective relations between the stakeholders already exist while on others they still need to be developed.

The difference in types of management required to deliver multiple outcomes is well reflected in Simon Thorp's conclusion in the Haweswater (Bampton Common) Case Study:

*Managing the Common requires land management skills, which are much in evidence. Managing the aspirations of the people who have an interest in the Common so that everyone works together requires different skills. Both forms of management are required if the Common, and everyone involved with it, is to prosper.*

With this in mind the next section considers the attributes of successful management of upland commons focusing on success that concern relations between stakeholders. This is because the successful delivery of a common is not considered to be a consequence of its specific bio-physical characteristics or the mix of activities undertaken. We can be confident of this conclusion as several of the case studies have comparable neighbouring commons which differ significantly in their success to deliver multiple outcomes.

#### **2.4. Attributes of Successful Management on Upland Commons**

Drawing together the findings of the case studies we conclude that the following are attributes of management on upland commons that successfully delivers multiple outcomes.

- Strong and adaptive leadership and co-ordination
- Good and regular communication
- Effective and well established networks
- Respectful attitudes
- Clarity on rights and outcomes
- Trade-offs negotiated fairly
- Fair and transparent administration
- Payments that reflect respective contributions and benefits
- Local knowledge and Local discretion over prescriptions
- Time: both continuity of service and duration of interventions

Each of these are now considered in more detail:

- ***Strong and adaptive leadership and co-ordination***

Behind most successful management is a key individual who goes above and beyond their duty to co-ordinate and negotiate relations between parties. This leadership role is not only required in setting up environmental stewardship schemes but also for ongoing management between multiple stakeholders. This may be provided by a committee with the Forest Trustees or via the Estate as on Danby. Who takes the role will depend on the circumstance of each setting and who is available. Problems arise when there is no person or group taking that role or when the person in the role does not have the confidence of the stakeholders.

The case studies demonstrate that while HLS schemes were signed on all sites their existence on paper is not a guarantee of successful outcomes. Also many outcomes are not addressed by the HLS; e.g. visitor management on Long Mynd, commoners and gamekeepers relations on Grouse Moors and the ambitious conservation objectives of the RSPB at Bampton.

While it is unusual for Natural England to take the co-ordinating leadership role the case studies did note the additional difficulties in delivering outcomes when there was no regular contact with Natural England staff.

- ***Good and regular communication***

NGO staff and civil servants are often paid to be at meetings while farmers and owners are not. It is therefore common sense to arrange meetings for the convenience of commoners and owners as they are more likely to attend and contribute resulting in better communications and joint working though it is recognised that not all paid representatives receive extra pay or time off in lieu for evening meetings. Regular meetings were also considered important and preferably should be face to face. Dartmoor, Danby and West Arkengarthdale commons highlighted this point. On the last two sites the good will of the owner in buying drinks or providing refreshments was noted and appreciated – a small gesture can create considerable good will. The root of companionship is the sharing of bread.

The case studies also illustrated examples where current practice could be improved. On The Long Mynd it was noted that few commoners attend the liaison meetings and it was concluded that changing the time and date would make the meetings more attractive. Currently at Bampton there is no forum for commoners to meet with the other key parties in a productive setting and this is leading to a further polarisation of views.

Most communication in Dartmoor is excellent but where it was not the case study showed outcomes are affected. An example is where efforts to progress an innovative payment for ecosystem services for water has not progressed as initially intended. South West Water required data on the improvements to water quality from Peatland

restoration to determine the value of payments but this takes years of monitoring to achieve. Additionally delays to monitoring have led to unfulfilled expectations and the situation was further complicated by opposition from a local NGO. The result of these complications has meant that future development of PES by SWW on Dartmoor is on hold until better information is available.

- ***Effective and well established networks***

Linked to good communication is the benefit of effective and complex networks. Commoners on Dartmoor are well networked and meet each other and other stakeholders in a large number of forums – this has been occurring since the formation of the Dartmoor Commoners Council in the late 1980s. This means the commoners are confident at expressing themselves and also used to interacting with owners, government and NGO representatives. This was considered to be a significant benefit in negotiating Dartmoor Farming Futures which seeks to improve benefits for biodiversity and farming.

- ***Respectful attitudes***

Danby highlighted ‘attitude’ as the key attribute of success. In the North York Moors there are several commons with similar characteristics but different personalities involved and varying measures of success. When asked what makes Danby work well the workshop concluded it was the attitude of the local facilitator and other parties towards each other’s that made the difference. The mutual respect shown by the commoners, owner, Natural England, parish council etc. enabled difficult decisions to be taken.

- ***Clarity on rights and outcomes***

Some outcomes have a statutory basis such as the protection of SSSIs, SACs and Scheduled Monuments as well as the ‘Right to Roam’. Other outcomes have a legal status but are less clear cut. The Habitats Directive Article 6 requires countries to maintain and restore designated sites but there is no binding timetable for achieving this though Biodiversity 2020 has policy targets. Similarly commoners have registered common rights but the exercise of these can be constrained on designated sites in the public interest as can owners’ legal right to burn moorland.

Clear understanding on the relevant stakeholders rights and responsibilities to receive and deliver outcomes was highlighted in the case studies as an important attribute of successful management. The complexity of upland management means that where people do not understand other stakeholders’ objectives or do not understand the practical consequences of how others outcomes are delivered then tensions – perceived or real- can arise. Furthermore some stakeholders do not understand their own rights or responsibilities which can exacerbate tension.

Once a full understanding of each stakeholders rights and responsibilities is reached a place based approach to deciding on appropriate outcomes can be started for that common. It is not simply enough to note each stakeholders’ respective targets –a set of agreed outcomes is required to ensure prescriptions and interventions are optimally set otherwise ownership of the process by key users is less likely. A useful example is Farming Futures which built its objectives on an earlier visioning exercise.

- ***Trade-offs negotiated fairly***

A repeated theme from the case studies is balance and trade-offs between outcomes. The challenge is how to agree what trade-offs are acceptable and fair. Making a trade-off does not necessarily mean compromising end targets but an acceptance that your outcomes can be delivered differently and that other outcomes have value.

As part of the process of negotiating trade-offs imbalances of power (and perceived imbalance of power) should be identified. For instance Natural England hold the purse

strings for HLS and have statutory powers, landowners can refuse to sign the common land application except on certain terms and large conservation NGOs and water companies have political influence. Explicitly addressing imbalances of power is not being recommended as part of an idealistic objective to make the world a fairer place but because agreements pushed through by the use of power rarely deliver the optimum suite of outcomes in the long term. As part of this process an early identification of win-wins and non-conflicting outcomes is valuable to maximise common ground.

- **Fair and transparent administration of schemes**

All five case studies receive significant payments at six month intervals and someone needs to take responsibility for distributing the funds promptly to the beneficiaries. This



is subject to their compliance with the internal (participation) agreement binding all parties in the HLS. On Long Mynd & Bampton this is an independent land agent, on the two grouse moors the common owners' agents take the role while on The Forest in Dartmoor due to the scale of the scheme staff are employed by the Trustees. There are two key factors – is the person in the role efficient and are they trusted and perceived as impartial in this role? They may not be independent but if they act impartially then they will be respected.

The other aspect of administration that impacts on trust and the delivery of outcomes is the role of the Rural Payments Administration and Natural England in administering the HLS. The complex and unilaterally changing rules concerning woodland options and capital payments as well as

the increasingly unpredictable dates when payments are received are off-putting. These deter participants from developing ownership of the schemes and hence a commitment to the public outcomes.

- **Payments that reflect contributions and benefits**

Where those that benefit from an outcome do not contribute towards it then resentment can arise. Similarly when stakeholders bear the costs but do not accrue any benefits (financial or otherwise). This came through in Dartmoor with regard to the benefits South West Water receive but where a mechanism to pay for this delivery has yet to be established. Similarly in Long Mynd visitors enjoy free access while the National Trust incur substantial costs of managing access but cannot collect money from visitors nor do they benefit from the HLS. Payments are considered a necessary evil for as expressed in Dartmoor while they are recognised as essential the management and division of funds often results in tension and disputes. In Danby it was noted the payments are (more than) sufficient to avoid disputes but on other commons where significant reductions in sheep numbers were required the

distribution of payments was a stumbling block to achieving agreement and improved outcomes for biodiversity and water.

- ***Use of local knowledge and local discretion over prescriptions***

In all the case studies there is a longevity of management whereby commoners and usually the owner of the common have managed the common for decades and often generations. Successful outcomes respect and use this local knowledge to plan management interventions. The most striking example is Dartmoor where local knowledge was used in their visioning exercise and as a result through Dartmoor Farming Futures a tailor made Environmental Stewardship scheme was designed and now overlays the 'official' HLS/UELS. Farming Futures is a scheme based on outcomes where the commoners do not have to seek derogations from Natural England but instead determine the prescriptions themselves. In other case studies such as Danby the negotiations with the commoners and owner also integrated local knowledge with ecological data to produce the management prescriptions though there as on the others the HLS prescriptions are set.

- **Time:**

Time cropped up repeatedly as something that was required. There were three key aspects:

Firstly effective negotiations take a long time, The Forest of Dartmoor study revealed the importance of allowing enough time to negotiate robust schemes that the participants are committed to rather than thrusting prescriptions on unwilling parties. The Long Mynd HLS took ten years to negotiate while the Bampton HLS was late starting due to the complexity of negotiations for which insufficient time had been allowed.

Secondly governance arrangements that have been in place for a long time bringing together key parties tend to be more robust and effective. Danby is the extreme example where the Court Leet has been meeting in the same room since the fourteenth century but West Arkengarthdale and The Forest of Dartmoor also have well established governance arrangements. In the Long Mynd the lack of an effective forum that attracts commoners and other groups was highlighted and this type of forum is also absent at Bampton.

Thirdly the continuity of service by committed effective individuals was highlighted as a key factor in delivering successful management. On several case studies individuals were named as being key to the success of the common in their 'championing' role.

### **3. Summary from the Case Studies**

The case studies demonstrate that successful management is characterised by mutual understanding and strong relationships. There is a recognition that if your aims impact negatively on others then they are likely to feel negatively towards you and your objectives. Building trust takes time while destroying it happens all too quickly as seen in Bampton where some stakeholders' objectives are perceived as threatening other outcomes and there is a leadership vacuum in addressing the contested objectives for the common.

In Long Mynd good relations and understanding between many stakeholders have been established and are highly valued in enhancing management of the common. Their challenge remains building effective relations between the farmers and other users as the current Liaison Group does not yet achieve this. Action on this has now been instigated as

it is recognised as a necessary step if further improvements to habitat management are to be achieved.

West Arkengarthdale is an example where the owner has embraced the HLS even though it constrains their burning regime knowing that the reduction in sheep numbers achieved through HLS payments more than compensates for the negative implications of longer burning rotations. Similarly the commoners said that if there were no HLS the number of graziers would probably be three rather than ten; the HLS has become essential to their business model. This is a classic case where trade-offs may require adjustment of plans but can bring greater long-term gains to multiple outcomes as well substantial good will. At an organisational level this is well expressed in Natural England's 2014-19 corporate plan;

*.... It demands a change in mind set - away from a sometimes over precautionary approach towards one that is prepared to take risks and sustain some losses in order to secure greater gains.*

Natural England implemented this approach on The Forest of Dartmoor through Farming Futures where no stocking calendars are prescribed by Natural England. Instead the graziers know and understand the biodiversity outcomes they are aiming to deliver though interestingly still use self-imposed stocking calendars. The difference is these are adjustable and the Forest of Dartmoor Trustees are in control and are building ownership of the delivery of public goods.



The need for structured governance of commons management has been recognised since the thirteenth century by the activities of manorial courts. The Court Leet in Danby is an example of how governance can adapt over time to changes in external and internal demands while retaining the best aspects of tradition. It is adaptive management in action that respects the delivery of multiple outcomes to a range of beneficiaries. That said the Danby workshop recognised that good governance structures themselves are not sufficient in themselves. Rachel Pickering's conclusion in the Danby Case Study is a fitting summary of the case study findings.

*Danby Moor Common has just as many issues as any other moor but it is the attitude with which they deal with those issues which makes it successful.*



## Chapter 9 – Concluding Remarks

Following the completion of the case studies senior representatives from the project partners met in London in June 2014. The aim was to consider the findings from the case studies and use these to inform a discussion on the three objectives of the project. Their comments are provided in Appendix 1.

Drawing together the attributes of success (see Ch.8 s2.4) and the reflections of the senior representatives **the overall conclusion is that respectful and long enduring relationships between individuals and groups are at the heart of delivering better outcomes on upland commons.**

More specifically:

1. We require a relationship approach to management of the uplands– how do we encourage better relations between different sectors who may have competing interests? These relations occur at different levels, between and within stakeholder groups.
2. We need to agree what success looks like - Those commons where there is a sense of contentment with the current direction of travel often had an agreed vision of what success means. This is an essential step in implementing management that delivers outcomes that meet the range of stakeholders’ interests which will need to be relevant to each area.
3. We would benefit from explicitly addressing current tensions around land management in the uplands – What are the causes behind tensions? Are the tensions intractable or resolvable?

4. We concluded there are risks to the delivery of future multiple and better outcomes

The risks identified by the senior representatives included:

- I. The continuation of an appropriate agri-environmental scheme is essential to the delivery of a broad range of outcomes as it is the glue that holds a common together bringing people together and catalysing change. On these five commons alone the annual payment exceeds £2 million.
  - II. Private payments for ecosystem services cannot over the next ten years be expected to fill the expected reduction in public funding. Continued state funding is required until alternative sources are properly developed and operational.
  - III. As we move to new schemes there is a risk of a two tier system with designated sites being in schemes while on non scheme land people may either intensify use or alternatively abandon grazing.
  - IV. Change in rules on Bovine TB testing on commons may reduce numbers of cattle on commons thereby reducing biodiversity and agricultural outcomes
  - V. Political changes in Britain’s relations with Europe?
5. Payments for Ecosystem Services, whether from the state or the market, need to provide a fair reward to commoners and landowners.  
Data is required on the economic impacts from the management of common land on the flow of public goods to determine a proper reward for delivering these goods.
  6. Should we be more honest about what some payments are for? What are the objectives of Pillar 1 and Pillar 2 support payments? Since the 1975 Mountain and Hill Farming Directive (75/268/EEC) the EU has made payments to hill farming communities across Europe. We should recognise Environmental Stewardship is part of this package of support.

## Conclusions and Recommended Actions

The above concluding remarks are here collated under the three objectives of the study together with recommended actions.

### 1. Better outcomes for each stakeholder are delivered simultaneously on the same area of upland common

This occurs most successfully when time has been taken to establish effective relationships between the multiple users of common land. Good communication, the commitment of individuals in leadership roles and the existence of effective and long-standing governance structures and networks are key attributes of success. Environmental stewardship schemes were essential in catalysing change in management practice to deliver the better outcomes. Sustained delivery of multiple outcomes is more likely when commoners and landowners are given local discretion over management prescriptions within an agreed framework and sufficient time is allowed to agree a clear vision for the site.

#### *Actions:*

- i. Where conflict is affecting the delivery of outcomes provide mentors from other commons and/or a trusted independent facilitator to build local capacity.
- ii. Accept that a single agenda / target approach to management is unlikely to succeed as other stakeholders will feel marginalised. Instead embed a shared vision of outcomes as a requirement in future stewardship schemes.
- iii. Arrange visits to commons where multiple outcomes have been successfully delivered e.g. to see grip blocking that works for agricultural interests to learn by example.
- iv. Provide guidance and tailored training on the good governance of commons agreements.
- v. Provide guidance tailored to a range of audiences in the uplands on negotiating skills and relationship management where multiple outcomes are sought. These need to encourage adaptive management rather than prescriptive solutions.
- vi. Provide training on these findings for Natural England Staff as part of their 'Licence to Operate'

### 2. Grazing commoners and common owners can be paid for the delivery of ecosystem services on common land by the market as well as the state

The scale of the payments from private sources is currently small and market sourced payments are considered inadequate at present to substitute for state funded environmental stewardship schemes. Furthermore we concluded that the benefits are so diffuse that for many outcomes taxation is a better means to charge for the provision of these ecosystem services. This is particularly when many members of the public consider ecosystem services a 'right' rather than a 'service'. While state funded payments are much appreciated there was concern that these payments are at risk and furthermore do not fully reflect actual contributions and that we do not have sufficient data to allow the valuation of ecosystem services.

#### *Actions*

- i. Publicise the value of the public benefits provided by managers of common land explaining the need for and benefits from the continued state provision of common land through stewardship

- ii. Research and value the linkages between changes in management on a site and changes in the provision of public benefits. Who do these changes benefit?
- iii. Continue to explore mechanisms to directly charge the beneficiaries of ecosystem services from common land.

**3. The respective rights and responsibilities of all parties active on common land are understood and recognised and then incorporated into management practice**

Where all parties understand the range of legal rights over common land a mutual understanding and respect occurs. Commons that have mechanisms and structures that encourage listening to each other and the development of trust are more likely to respect each other's positions and each other's knowledge. This clarity on rights and responsibilities leads to the more effective use of local knowledge, the ability to negotiate trade-offs better and the fairer administration of schemes. All these attributes characterise better outcomes for public and private interests.

*Actions:*

- i. Ensure the appropriate use of incentives, regulations and enforcement that reflects the complex range of rights and responsibilities for common land
- ii. Noting the requirement for fair and transparent administration and the need to negotiate trade-offs fairly have minimum standards for governance structures and the distribution of public monies.
- iii. Reflecting on the evidence that successful commons have governance systems that have been in existence for decades, if not centuries, allow plenty of time for negotiations and changes to management practice. Unrushed change delivers longer lasting sustainable outcomes.

## Appendix 1: Acronyms

AI	Appreciative Inquiry
AONB	Area of Outstanding Natural Beauty
CA	Commons Act 2006
CAP	Common Agricultural Policy
CL	Common Land
CRA	Commons Registration Act 1965
CROW	Countryside and Rights of Way Act
CSS	Countryside Stewardship Scheme
Defra	Department for the Environment, Food and Rural Affairs
DNPA	Dartmoor National Park Authority
EA	Ecosystem Approach
ESA	Environmentally Sensitive Area
HLS	Higher Level Stewardship
LDNP	Lake District National Park
LFA	Less Favoured Area
NE	Natural England
NGO	Non-governmental Organisation
NP	National Park
PES	Payments for Ecosystem Services
SAC	Special Area of Conservation
SCaMP	Sustainable Catchment Management Planning
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest – designated sites
UELS	Uplands Entry Level Stewardship
UU	United Utilities
WES	Wildlife Enhancement Scheme
WHS	World Heritage Site

## Appendix 2: Table of Case Studies

	Forest of Dartmoor	Danby	Long Mynd	West Arkengarthdale	Haweswater (Bampton)
<b>National Park / AONB</b>	Dartmoor NP	North York Moors NP	Shropshire Hills AONB	Yorkshire Dales NP	The Lake District NP
<b>Biodiversity Designations</b>	SSSI / SPA / SAC	SSSI / SPA / SAC	SSSI	SSSI / SPA / SAC	None
<b>Size (ha)</b>	11,000 ha	4,700 ha	2,200 ha	5,600 ha	2,600 ha
<b>Ownership</b>	Duchy of Cornwall (95%)	Private Estate	National Trust	Private Estate	United Utilities
<b>Governance Structures and Date of Establishment</b>	Statutory Commons Council (1986) and Forest of Dartmoor Trustees (2001)	Court Leet (since 13 <sup>th</sup> century and in current form since 1656)	Commoners Association from late 1990s and the Long Mynd Liaison Group	Moor Committee (since late 1980s)	Commoners Association (1960s)
<b>Agri-environment history</b>	ESA (2001-2011); HLS customised through Farming Futures (2012-)	Individual English Nature agreement for each grazier (2003-2008) group HLS (2008-)	ESA (1999-2009) followed by HLS (2010-20)	CSS (2000-2010) & a WES followed by HLS (2010-)	ESA (2000-2010) followed by HLS (2011-)
<b>Stocking Changes</b>	Significant reductions through ESA and now a flexible outcomes based stocking calendar	Increased stocking levels to address problem of destocking	Reductions for ESA/HLS from 12,000 to 3,000 sheep	Reductions for CSS and HLS	Reductions for ESA and again for HLS

### Appendix 3. Comments of the Senior Representatives at the June 18<sup>th</sup> Workshop

After discussing the case study findings the group considered the three objectives in smaller group sessions and the comments are given as non-attributable statements under each objective in the boxes below.

#### **Objective 1: Views of the Senior Representatives June 2014**

##### **Better outcomes for each stakeholder are delivered simultaneously on the same area of upland common –**

###### *Policy and Governance*

- Commons registration system needs to be updated. Commons Act needs to be rolled out
- What is the role of government? We need a long-term view that doesn't change with changing governments
- Best practice with Commons Association required; use the Commons Act and explore opportunities for Commons Councils.
- Effect of policy and payments, and these tend to drive the discussion
- Don't rush change
- Trust: you need a long time and effort to achieve trust

###### *Competing Interests*

- Compromise to achieve a common goal
- Understanding required between stakeholders e.g. farming, grouse shooting, access
- Got to talk to each other – number of people with equal stake
- Involve local community (including schools, churches etc)
- One body cannot drive the agenda – if it does then it doesn't work
- Empower everyone and isolate anyone who is destructive
- Make sure everyone is represented including those who do not come to meetings
- Use the Common Purpose process which demonstrates the needs to include all interests
- Bottom-up work required and this involves the need for facilitation
- If people are unreasonable then we need a process of arbitration which is binding – like the RPA panel?
- No one person not even a landowner should be able to veto an agreement

###### *People Skills*

- Need an honest broker – could be Commons Association – happy for this role to be different people in different places
- Identify key characteristics required for the person not a job description – it is about an individual's attitude not about specific skills
- Individual may come from a different organisation depending on the circumstances of each case and who is available with the right skills
- We acquire leadership roles
- Continuity of staff within an organisation is particularly important especially challenging in the public sector
- Reward staff to stay in key positions and key locations

## **Objective 2: Views of the Senior Representatives June 2014**

### **Grazing commoners and common owners can be paid for the delivery of ecosystem services on common land by the market as well as the state**

#### *Public Understanding / Acceptance*

- Visitor Payback schemes need clarity of message so that people know what they are paying for
- Don't talk about ecosystem services to ordinary people
- Increase public awareness of what it takes to deliver ecosystem services
- Visitor Payback will not work in non-honey pot areas
- Difficulty of persuading the people to pay for something they think they have as of right

#### *Amount and Distribution of payment*

- How to divide up payments between owners and commoners
- Improvements have negative and positive outcomes often felt and incurred by different people.
- Who pays to mitigate the negative outcome, it is not about whether there is a net positive effect because of the range of stakeholders involved
- Need to quantify what are the benefits from ecosystem services that are delivered in the uplands, who are the beneficiaries and what will payments be
- To whom will payments be made
- How to distinguish between the value and economic benefit for instance from carbon sequestration versus that from water quality improvements

#### *Policy Ideas and Support*

- Early days for PES spell this out, we need to create markets for long-term gains
- Diffuse payments are usually paid for by the state – this is what taxes are for – redistributing costs and benefits.
- Move payments from the Lowlands to the Upland so taxation is used to pay for delivery of high-value ecosystem services
- Role of UELS/HLS payments as these are a form of ecosystem services payments but coming from the state – they are based on income foregone rather than the value of the ecosystem service delivery
- Natural capital – how to create payments for ecosystem services from forestry particularly when planted for biodiversity rather than timber?
- Do we need the equivalent of a congestion charge for upland areas?
- Ecosystem services return on capital methods need to be developed like social return on capital so that we can then also have corporate social investment in ecosystem services delivery

### **Objective 3: Views of the Senior Representatives June 2014**

**The respective rights and responsibilities of all parties active on common land are understood and recognized and then incorporated into management practice**

#### *Identification and Understanding*

- Identify stakeholders and what their rights and responsibilities are
- Identify key local influencers and how they may help with the way in to other stakeholders and managers
- Respect regulation and understand what it relates to
- Understand the existing situation; respect how it arose
- Respect local knowledge
- Clarification of legal rights and find ways to explain them so they are understood by ordinary people
- Understand wider consequences – neighbourly – we have to work together and trust is required between farmers
- Recognise diversity among commons – do not impose one solution for all
- Evidence-based decision-making
- Identify all the rights holders and then check again
- Take account of neighbouring commons
- New ideas require a humble approach to respect history
- Engagement of rights holders who may not have access to engagement through recognised channels but are interested parties
- Rights and responsibilities are not just understood but also valued and respected
- Long-term contacts

#### *Process*

- Need some sort of process to initiate a discussion about rights and responsibilities e.g. a scheme like the HLS, a project or management plan. This may need to take an established group back to the beginning to restart negotiations and discussions
- Perhaps need a regulatory incentive to work collectively so all stakeholders can understand all rights and responsibilities
- Need a catalyst to explore rights and responsibilities
- Independent facilitation – an incentive is required for it
- Need an independent person to bring everyone together in difficult situations
- Leadership role from within the community is better unless wheels fall off then independent facilitator required
- Retain relationships between individuals
- Degree of compromise essential



## Appendix 4: Further Reading

- Armitage DR and R Plummer and F Berkes and RI Arthur and AT Charles and IJ Davidson-Hunt and AP Diduck and NC Doubleday and DS Johnson and M Marschke and P McConney and EW Pinkerton and EK Wollenberg, 'Adaptive Co-management for Social–ecological Complexity' (2009) 7 *Frontiers in Ecology and the Environment* 95
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- Reed MS, 'Stakeholder Participation for Environmental Management: A Literature Review' (2008) 141 *Biological conservation* 241
- Rodgers CP and AJL Winchester and EA Straughton and M Pieraccini, *Contested Common Land* (Earthscan 2010)
- Shepherd G, *The Ecosystem Approach Learning From Experience* (IUCN 2008)
- Sidaway R, *Resolving Environmental Disputes: From Conflict to Consensus* (Routledge 2013)
- Short C, 'The Traditional Commons of England and Wales in the Twenty-first Century: Meeting New and Old Challenges' (2008) 2 *International Journal of the Commons* 192
- Short CJ and J Dwyer, 'Reconciling Pastoral Agriculture and Nature Conservation: Developing a Co-management Approach in the English Uplands' (2012) 2 *Pastoralism: Research, Policy and Practice* 13
- Winchester AJL, *The Harvest of the Hills: Rural Life in Northern England and the Scottish Borders, 1400-1700* (Edinburgh University Press 2000)

Two other documents provide guidance and practical tools for delivering multiple outcomes on Common Land

A Common Purpose

<http://www.foundationforcommonland.org.uk/search/node/common%20purpose>

A Common Land Toolkit

<http://publications.naturalengland.org.uk/publication/36015>

## Appendix 5 - Acknowledgements:

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The Prince's Rural Action Programme	Federation of Cumbrian Commoners
Moorland Association	Trustees of the Danby Moors Settlement
The Ramblers	The Duke of Norfolk
The Open Spaces Society	Friends of the Lake District
Cumbria Wildlife Trust	English Heritage
The RSPB	Secret Hills Walking
The National Trust	Plush Hill Cycles
The Duchy of Cornwall	Yorkshire Wildlife Trust
South West Water	United Utilities
Natural England	Forestry Commission England
Association for National Park Authorities	Dawnay Estates
Foundation for Common Land	Yorkshire Peat Partnership
CLA	Shropshire Hills AONB Partnership
The Heather Trust (also representing the GWCT)	Dartmoor NPA
Grosvenor Estate - Abbeystead	Lake District NPA
Langstrath Commoners	Yorkshire Dales NPA
National Sheep Association	North York Moors NPA



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An E-version of the report is available at  
[www.foundationforcommonland.org.uk](http://www.foundationforcommonland.org.uk)**