# Potential Observatory Services and RDP Co-operation

### **Feasibility Study**

### **FINAL REPORT**

## Report produced for the Foundation For Common Land May 2010











### **EXECUTIVE SUMMARY**

### E 1 Summary and overview

There are some 1,262,000 hectares of common land in the UK. It forms a vital part of the UK's cultural, environmental and farming heritage. It also represents an essential part of its future – biodiversity, food security, recreational access and mitigation of climate change.

But the sustainability of commons grazing and management is at risk from a number of sources and many of these are linked to public policy and decision-making at the national and EU levels.

To help themselves, in tackling these threats, a number of commoner groups' representatives – the "Foundation for Common Land" - set out to explore ways to create a collaboration in

- increasing information exchange and discussion between commoners;
- creating an information and evidence base that has integrity and relevance to current and emerging issues and policy decisions relating to common land and its management;
- creating reciprocal channels of communication with commoners, stakeholders and others, to disseminate information and evidence.

Collectively, these are defined as "observatory services".

The group have completed a study, funded by the Leader Fells and Dales Local Action Group. It included extensive consultation, gathering evidence and assessment of options. It concluded that there are 2 main priorities for collaborative action.

- Inform and influence decision-makers to ensure that commons situations and constraints are considered, understood and included in the design of policy.
- Increase information exchange and mutual understanding among commoners to increase the communications between commoners and complement current work by existing groups and Federations.

In order to do this, Federations and other commoners groups would need to work in partnership to provide a UK-wide programme of evidence gathering, analysis and communications. This will be to inform themselves, other stakeholders and policy-makers at national and EU level.

At present, no funding appears to be available to support a UK-wide initiative but more limited action is feasible to begin working towards the required collaborative activities and working arrangements.

### E 2 Context

Active grazing of common land is important for a range of vital public goods and benefits:

- contribution to future food supply;
- recreational access;
- cultural landscape:
- maintenance of semi-natural habitats and the biodiversity they support;

- support for local communities and cultural systems dating back centuries;
- contributing to water management;
- being a massive store of carbon with potential for more carbon sequestration...

Some of these represent a potential for increased income for commoners. But most are 'ecosystem services' for the wider public good. In the past, these were a byproduct of commons grazing for livestock farming, but this is increasingly becoming uneconomic and losing its previous public subsidies.

Commoners often are inadequately consulted by the "conservation experts" as local strategies are developed.

Recent research, undertaken by the Foundation, indicates that active commons grazing is under considerable threat. Specifically,

- the number of active graziers is in significant decline;
- the economic return from commons grazing is insufficient to encourage younger people to continue the practice.

Likely future trends are that:

- the number of active commoners is likely to continue to fall, with some abandonment of commons being possible;
- there will be loss of skills and heritage that cannot be regenerated, once lost;
- the capacity of commons to provide the increasingly important public goods (environment, community, food security and ecology) will be undermined.

There are many recent examples of regulations and support mechanisms that did not give adequate consideration to the impact on common land and its management. Commoners have felt that their interaction with policy makers was weak, uncoordinated and focussed mainly after the policies had been implemented.

### E 3 Need for collaboration to tackle the threats

In this study, commoners and other stakeholders in common land, were consulted about the need for collaborative services to respond to the current lack of reliable and coherent information and understanding about commons and their management in the UK – both among commoners themselves and among stakeholders and decision-makers in policy making.

Consultees endorsed the need for collaboration in the following areas:

- 1. Influencing policy and collecting up-to-date and comprehensive evidence
  - a. Responding to government policy consultations
  - b. Promoting the value of grazing to other influential bodies
  - c. Helping to deliver political messages
  - d. Raising public awareness of the value of commons and common grazing
- 2. Providing and signposting information
  - a. About practical aspects of managing common grazing
  - b. About legal cases
- 3. Providing a forum through which commoners could get in touch with each other

The top priorities that consultees identified were to:

• Inform and influence decision-makers at an early stage. This is to ensure that commons situations and constraints are considered, understood and included in the design of policy.

 Increase information exchange and mutual understanding among commoners. This must complement and not duplicate current work by existing groups and partners.

### E 4 How should the collaborative actions and services be delivered?

The main messages from consultations with commoners and the Gathering, were that:

- any new organisational structure and ways of working need to be as simple as possible;
- there is a need to start work on practical problems and to be seen by the commoning community to be making an impact;
- the initial programme of work should focus on a small number of very high priority actions;
- from the start, there needs to be a strategy for communicating with commoners and others.

### E 5 Constraints on providing a UK-wide approach

Although there is a need for a UK-wide approach to delivering the services and activities that have been identified by commoners as necessary, there are 3 main factors that constrain the options for this.

- Lack of suitable sources of funding. Although most of the core functions need be delivered in a UK-wide programme of work (eg coordinating evidence gathering, developing relationships with policy makers, facilitating inter-regional exchanges etc), there do not appear to be sources of funds to support a UK-wide programme. We specifically looked at the scope for applying for RDPE Axis 4 funds for collaborative projects but these are not suitable for a UK-wide collaborative project.
- Differences in the local organisations across the UK. The Welsh and the Scots have more coherent and embedded organisations for commoners/crofters. Further capacity-building is needed specifically in England to enable English Federations to work effectively in partnership with the organisations in Scotland and Wales and with organisations and government departments with specific English responsibilities.
- Internet limitations. There are very significant limits on the use people make
  of the Internet. In theory, the Internet would be an effective means of
  connecting with commoners across the UK. In practice, however, this would
  be unlikely to be effective for the near future.

### E 6 Proposals for action

The study has concluded that there are a number of actions that the commoners' groups forming the Foundation for Common Land should consider. There are 3 complementary components:

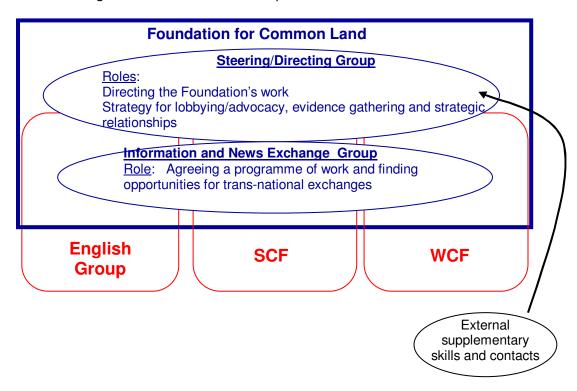
### 1. Arrangements for the working of the Foundation of Common Land

We are proposing that the Foundation could be a partnership of existing groups working at the national level for England, Wales and Scotland. This is based on the assumption that the English Federations would agree on a form of national collaboration that would facilitate their participation in the partnership.

The working arrangements would involve:

- a small steering/directing group with representatives from each national group and some "external" members
- an operational working group developing joint working and information exchange
- national Federations or groups running programmes of work to form part of the Foundation programme of work. They would also be capable of hosting staff and projects directly on behalf of the Foundation.

In this model, it is important to recognise the Foundation as being a working partnership between the existing organisations, with the minimum of additional organisational structures and processes.



Creation of the partnership will need support and facilitation in the first years of operation.

### 2. Observatory services to the national groups

Delivery of observatory services, under the functional direction and management of the Foundation, would comprise the following activities:

### a. Inform and influence decision-makers

Specific activities should include:

- building on existing contacts and relationships with decisionmakers in government, agencies and other stakeholders;
- gathering and presenting evidence about commons management and issues;
- using the relationships and evidence to provide timely and effective advice to decision-makers.

Priority issues that should be tackled in this way are:

- the upcoming CAP reforms in 2012:
- the working of the payment system and associated mapping;

 retention of active graziers and, specifically, encouragement of young commons graziers.

### b. Increase information exchange and mutual understanding among commoners

Specific activities should include:

- produce and circulate a newsletter to commoners and other interest groups and communities;
- facilitate local gatherings of commoners to exchange views;
- organise exchange visits between commoners in different parts of the country;
- produce information of various types, for example distribute
   DVDs of the different local commons situations and systems;
- provide a simple web-site to hold reference information

Priority issues that should be addressed in these ways are:

- increasing mutual understanding among commoning communities;
- sharing information about practical issues and problems; providing information about legal case law and examples that have a wide application to commoners.

In the range of 1.5 to 2 full-time equivalent staff would be required as a minimum and there are 2 broad options – either centralising the work or distributing it across a number of Federations.

### 3. Project to develop capacity in the English Federations

The aim of this project would be to provide effective means for commoners in England to develop their capability to:

- exchange information and explore issues with other commoners in their region;
- share potential solutions to problems and identify opportunities to improve sustainability;
- share information and insights with commoners in other regions.

### E 7 Next Steps

The need for collaborative working among commoner groups to strengthen information exchange, evidence gathering and communications, has been clearly demonstrated in the consultations and analysis of evidence.

Funding does not seem to be immediately available to support the facilitation of a UK-wide partnership and programme of work. We recommend that charitable organisations should be approached to assist with this, where appropriate and possible. Even in the absence of such funding, we recommend that the Foundation representatives should consider steps to start working together on:

- improving communications and partnership working on current issues, where local resources and funding can be made available to do this;
- potentially partnering one of the Federations in delivery of a web service;
- developing relationships with stakeholders eg in relation to evidence gathering, proactive involvement of stakeholders with commoners' groups, provision of training for stakeholders etc;
- initiating the project to build capacity among English commoner Federations and groups, using a combination of local RDPE funding streams.

### FOUNDATION FOR COMMON LAND FEASIBILITY STUDY INTO POTENTIAL OBSERVATORY SERVICES AND RDP CO-OPERATION

### **FINAL REPORT**

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### 1. INTRODUCTION

### 1.1. Overview

This Feasibility Study was funded by the Fells and Dales RDP Local Action Group (submitted by the NSA on behalf of the FCL) and undertaken over the period from September 2009 to March 2010.

The purpose of the study was to:

"accurately assess the feasibility of a sustainable, collaborative, 'observatory services' project, delivered by the Foundation for Common Land, and funded by a collaboration of Rural Development Programme (RDP) fund operators across Britain and Ireland"

### This report:

- gives the context for the work;
- outlines the methodology used;
- documents the findings from consultations with commoners and other stakeholders in commons:
- provides an assessment of the options for action;
- gives conclusions and recommendations about next steps.

### 1.2. Definition of "Observatory Services"

The concept of "observatory services" was developed to respond to the current lack of reliable and coherent information and understanding about commons and their management in the UK – both among commoners themselves and among stakeholders and decision-makers in policy making.

The current, serious threats and challenges to commons management mean that it is essential for commoners to work together to create this coherent and shared understanding, built on:

- increasing information exchange and discussion between commoners across the different regions and parts of the UK and, more broadly, with Ireland and a wider community across the EU;
- creating an information and evidence base that has integrity and relevance to current and emerging issues and policy decisions relating to common land and its management;
- creating channels of communication to disseminate and exchange information and evidence in a timely way to a wide audience – commoners, stakeholders, decision-makers and the general public.

These form the core of the concept of "observatory services" that this study set out to investigate.

However, there are many commons and commons management groups spread across the UK and a particular challenge in the delivery of observatory services is to ensure that they are shaped and delivered by and through the local groups at the same time as contributing towards a coherent regional and national picture.

### 1.3. Importance of commons management in delivery of public goods

In broad terms, and depending on the definition used, England has around 428,000 ha of common land<sup>1</sup>; Wales has circa 204,000 ha<sup>2</sup>; Scotland about 594,000 ha<sup>3</sup> and Northern Ireland 36,390 ha<sup>4</sup>. The Republic of Ireland's commonage extends to around 500,000 ha<sup>5</sup>.

In Scotland, England and Wales therefore, common land occupies a very significant land area. However, the demands placed by the public on common land vary considerably. In populous England, for example, common land accounts for about 60% of all unenclosed rough grazings and public demands for access have a very significant impact - a situation not made easier by popular perception that common rights extend to the general population. In Scotland, public access has also been an issue, but crofters' common grazings make up only 15% of hill land and are mostly located in remote areas with limited and localised access problems.

However public access is only one example of services that common land is increasingly being expected to provide. Others are:

- maintenance of semi-natural habitats and the biodiversity they support;
- contributing to food security;
- support for local communities and cultural systems dating back centuries;
- contributing to water management;
- being a massive store of carbon and with large potential for further carbon sequestration.

Commons grazing also provides hardy livestock breeds as the basis for much of the UK's beef herd and sheep flock. This stage of production usually requires relatively little energy use in the form of supplementary inputs (concentrates and artificial nitrogen fertiliser). There is a small but increasing niche market for the small number of commons graziers who can finish stock on their common and market it direct to the consumer. This environmentally-based marketing opportunity is lost to most upland commons graziers, as they need to sell their stock to other farmers on better land, for breeding or finishing for meat. It is important to recognise that livestock production is an essential part of the motivation for commons grazing and management. It is also a larger proportion of the overall income for commoners than for farmers in general. The policy shift from Pillar 1 to Pillar 2 (ie from farming production to rural development), therefore, has a very significant effect on commons graziers and risks undermining their motivation for active grazing – the production of livestock.

Some of the above goods and services represent a potential for increased income for commoners. But most are 'ecosystem services' which can be classed as 'public goods'. In the past, these services were a by-product of

4 http://openscotland.gov.uk/Resource/Doc/224128/0060551.pdf

http://www.defra.gov.uk/rural/rdpe/pdf/progdoc/chapter3.pdf

http://openscotland.gov.uk/Resource/Doc/224128/0060551.pdf

<sup>&</sup>lt;sup>5</sup> Bleasdale, A. 1995. The Vegetation and Ecology of the Connemara Uplands with Particular Reference to Sheep Grazing. In Geography. National University of Ireland, Galway, Galway.

commons grazing for livestock farming but this is increasingly becoming uneconomic and losing its previous public subsidies.

### 1.4. Complexity of subsidy and management of commons grazing

Under current arrangements, the focus of public subsidy is provision of various environmental public goods, delivered mainly through area-based payments coupled with obligations on the land manager to achieve certain minimum standards.

This change is significant even for a hill farm without common grazing rights and it is challenging for upland farmers to create an economic proposition from the income sources open to them.

But the situation is even more challenging and complex for farmers with common grazing rights. Issues include the fair allocation of payments (eg between the active and inactive right holder and with landowners) and the adequacy of administrative frameworks for managing these sorts of issues.

There are numerous recent examples of regulations and support mechanisms that did not give adequate consideration to the impact on common land and its management. Commoners have felt that their interaction with policy makers was weak, uncoordinated and focussed mainly after the policies had been implemented. It is significant that the Welsh Commons Forum cite as the reasons for their existence such experiences in the context of Food and Mouth Disease, the Countryside and Rights of Way Act and the recent Commons Act 2006, which operates in most of England and all of Wales.

### 1.5. Characteristics of the commons grazier community

The recent report "Trends in Pastoral Commoning" (covering England only) found that:

- the number of active graziers is in significant decline, except where local stewardship schemes have specifically encouraged an increase;
- there has been a sharp increase in the number of commons associations closely involved in grazing management;
- the economic return from commons grazing is insufficient to encourage younger people to continue the practice. The motivations of current graziers are heavily influenced by other factors eg attachment to local traditional farming practices, local community and cultural factors, personal attachment to the land and its future.

The report indicated likely future trends to be:

- the number of active commoners is likely to continue to fall, with some abandonment of commons being possible, and potentially extensive under-grazing;
- there will be consequent loss of skills and heritage that cannot be regenerated without the local working base of commoners;
- the capacity of commons to meet the increasingly important public goods (environmental, social and ecological) will be undermined.

### 1.6. Economic performance of farms with common rights

The Farm Business Survey does not currently extract data for farms with common rights as an identified group. The data for the Northern Region has been analysed to show comparative performance from farms with or without common rights from a limited sample. The data has also been compared with earlier records from 1957-9. The gap in economic performance has narrowed in that period but the improvement is due in some measure to the farms with common rights having expanded flock size although stocking rate is only 0.65 LSU/adjusted ha.

This may mean that the withdrawal of some commoners from active grazing has allowed those remaining to keep larger flocks but at the cost of a smaller human resource to sustain the system. This has been confirmed by the "Trends in Pastoral Commoning" research with over two thirds of respondents reporting a reduction in active graziers 1997-2007. The data also shows that farms with common rights obtain a relatively higher proportion of income from Single Payment and agri-environmental schemes, and highlights the fragility of the core farming enterprise. Since the latter are generally competitive rather than an entitlement for agreed actions, some farms may well be at considerable financial risk. Paradoxically, these farms have also improved lambing percentages and increased the sales of finished lambs.

### 1.7. Lowland commons

The term 'lowlands commons', encompasses a wide diversity of commons. Many of these are agriculturally abandoned or in imminent danger of abandonment. Unlike uplands commons, the governance of many lowland commons actively involve not only non-graziers but people without commons rights. In practice, lowland commons management groups are faced with issues and challenges that are complex and difficult but very different to those of upland commons managers.

Urban and semi-urban commons face serious issues of the health and safety of other commons users and livestock, security of livestock and liability for damage to property and cars. In some areas, the introduction of fencing to reduce some of these issues has been tried. The success of this seems to depend on the way it is introduced and carried out and the commons managers abilities to achieve community 'buy in'. For example, see the Wolvercote Common website, <a href="https://www.wolvercote.org.uk">www.wolvercote.org.uk</a>.

Coastal commons face many similar issues, including traffic collisions, off-road vehicles, fires, fly-tipping and illegal camping. For example, see the Gower Commoners website <a href="https://www.gowercommons.org.uk">www.gowercommons.org.uk</a>.

### 1.8. Existing commoners' organisations

### 1.8.1.England

In England, there is no national group to draw commoners' interests together or to link between the various regional and local groups.

There are many commoners associations operating at the level of individual commons or small groups of commons. In addition, there are a number of regional federations:

- South West Uplands Federation (which is not, strictly speaking, a commoners' body but, de facto, acts in that capacity due to the large area of common land on South West uplands);
- The Dartmoor Commoners Council is the longest established Council and has a membership of 28 local Commons Associations.
- Federation of Cumbrian Commoners (which has membership of Cumbrian Commons Associations and representation from Lancashire and Northumbria):
- Yorkshire Federation of Commoners and Moorland Graziers
- Forest of Dean Commoners Association
- New Forest Commoners Defence Association has a similar organisational capacity, and operates under different legislative provisions.

Each Federation provides a single forum for the member commons associations. Many individual associations have no access to a Federation.

### 1.8.2. Wales

In Wales, unlike England, there is national representation of their commons associations. In 2005, the Welsh Commons Forum was instituted and now has about 180 subscribing associations. In addition, the Farmers Union of Wales has had a common land committee for over 25 years.

### 1.8.3.Scotland

In Scotland, almost all common land is used by crofters, while the vast majority of crofters have rights on common grazings. Broadly speaking therefore, crofters are the main commons managers and graziers in Scotland.

At a national level, the National Farmers Union for Scotland has a 'crofting and Highlands and Islands' committee (though the agricultural sector in the Highlands and Islands is dominated politically by large farms without common grazings interest) and around 800 crofting members.

The Scottish Crofting Federation has just under 3,000 members and concerns itself solely with crofting matters.

### 1.8.4.Ireland

In Northern Ireland commonage is a very small proportion of overall land area and users of commonage have no representative bodies.

In the Republic of Ireland, there is no specific organisation for farmers with commonage. The Hill Committee within the Irish Farmers Association tends to have direct contact with Government Ministers and their officials. Commonage in the Republic of Ireland covers approximately 426,000 ha comprising 4,500 commons and involving almost 12,000 farmers. Commonage is land in collective ownership. In law it is technically seen as a tenancy in common whereby each tenant holds a distinct, separate and undivided share. The system has some

comparability with stinted pastures where the rights and ownership belong to the graziers.

### 2. METHODOLOGY AND CONDUCT OF THE STUDY

### 2.1. Aims of the methodology

The methodology aimed to ensure:

- active involvement of commoners' representatives from across the UK;
- identification of existing arrangements and activities, so that potential duplication or overlap by Foundation activities should be avoided;
- realistic assessment of the resourcing requirements and potential funding sources, given the recessionary environment.

### 2.2. Conduct of the study

The project was carried out under the guidance of the Foundation for Common Land "Shadow Board". Members of the Board were nominated following a conference in Malvern and represent commoning interests from across the country. The list of members is at Appendix B.

The Board recommended consultees for the study team to approach and reviewed findings as they emerged. In view of the limited time and resources available to the study team, consultations had to be limited. We recognise that there will be a number of interested parties that it was not possible to approach for their views. The individuals and organisations consulted at various stages of the work are detailed in Appendix C. They comprised representatives of commons graziers across the UK, representatives of a range of other stakeholders in common land and representatives of funding organisations.

### 2.3. Study team

The study was undertaken by a team of 3 people. The project was managed by Andrew Humphries; evidence gathering and analysis in England was undertaken by Kate Gascoyne and the equivalent work for Wales, Scotland and Ireland was undertaken by Gwyn Jones.

### 2.4. Outline of the methodology

The methodology comprised 5 main elements:

### 1. Initial consultation and evidence gathering

14 grazier representatives and 10 stakeholder organisations were interviewed about:

- a. the value of commons grazing and the threats to it;
- b. needs for collaborative work among commoners to add to current collaborative activities.
- c. Existing communications and working relationships with other graziers and stakeholders

### 2. Supplementary consultation with commoners

A gathering of some 40 commoners and their representatives were consulted on the current issues faced by commoners and on the need for collaborative action.

### 3. Assessment of findings

Collation and analysis of the evidence to determine potentially viable options for action.

### 4. Consultation with potential funders

Representatives of potential funders were consulted. These included one major charitable foundation and representatives of 7 RDPE programme deliverers.

### 5. Formulation of conclusions and recommendations

On the basis of the assessment of findings, conclusions were drawn about potential viability of options for action as the basis for recommendations about next steps.

### 3. FINDINGS AND EVIDENCE FROM THE INITIAL CONSULTATION

### 3.1. Introduction to the findings

As indicated above, grazier representatives and stakeholder organisations were interviewed about:

- the value of commons grazing and the opportunities and threats relating to commons;
- needs for collaborative work among commoners to add to current collaborative activities, to help make commons grazing viable and sustainable into the future.

This section documents the evidence from this consultation.

### 3.2. Value of commons grazing, opportunities and threats

Both graziers and other stakeholders in commons management pointed to the importance of commons grazing in the sustainable delivery of public goods and benefits. Key issues mentioned were:

- the essential importance of the sustainability of commons grazing in the management of National Parks and other designated areas;
- future damage to SSSI's due to loss of active commons grazing;
- impact on water catchment management;
- complex impact of commons grazing on habitat, bio-diversity, soil management and a range of other factors;
- lack of economic resilience and sustainability of farms with commons rights;
- loss of active graziers.

Several consultees pointed out the importance of local and specific knowledge of the commons in determining the right strategy for achieving the above public benefits in a specific area. Commoners often have that knowledge but are inadequately consulted by the "conservation experts" as local strategies are developed.

### 3.3. Needs identified by consultees

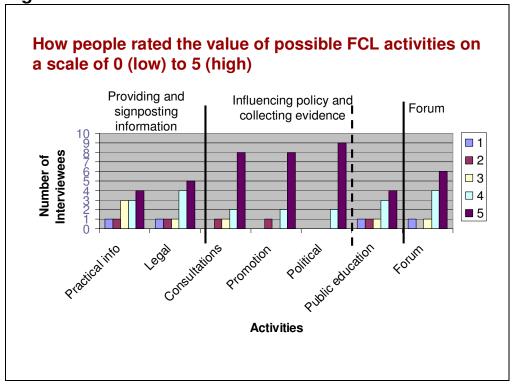
The views of consultees about the need for collaborative services and activities, can be broadly grouped into 3 broad categories.

- 1. Influencing policy and collecting evidence
  - a. Responding to government policy consultations
  - b. Promoting the value of grazing to other influential bodies
  - c. Helping to deliver political messages
  - d. Raising public awareness of the value of commons and common grazing
- 2. Providing and signposting information
  - a. About practical aspects of managing common grazing
  - b. About legal cases

3. Providing a forum through which commoners could get in touch with each other

The overall picture of how commoner representatives rated the value of these types of activities is illustrated in Figure 3.1.

Figure 3.1



Views expressed by consultees are outlined in the sub-sections below and detailed in Appendix D.

### 3.3.1.Informing and influencing policy Graziers

Graziers emphasised that conditions and issues were different in different parts of the country. Specific points relating to the Foundation and the observatory services were that:

- the "regionality" of responses to DEFRA consultations should be retained. The Foundation could support these by giving national overview and analysis and giving regional groups feedback on the implications of policy decisions;
- some grazier groups were interested in sharing information and evidence in the "run-up" to consultation responses;
- some graziers feel like a "voice in the wilderness". Could the Foundation help to reinforce their input to consultations?
- existing groups are concerned that the FCL should not be seen to "represent" the Federations or national groups.

Overall, it was felt that an evidence-based approach, via some form of observatory services provided by the Foundation was essential. Specifically:

- authority and credibility had to come from the Foundation's evidence base and resulting insights;
- there was a need to influence (based on evidence) policy makers, NFU, MPs etc.

### **Stakeholders**

Consultees considered that national schemes, such as the HLS, fail to take sufficient account of locally-specific situations and sources of knowledge. It would be helpful to have more "commoner driven" evidence and insights, drawn together nationally.

### 3.3.2. Sharing and "signposting" information about practical aspects of common grazing

### **Graziers**

There was general support for "sharing solutions" and good practice, but no overall coherent demand on specific issues, because:

- conditions and problems <u>vary</u> widely between regions
- people prefer personal contact
- information must be timely and "to the point"
- there are some good existing services eg newsletters. The Foundation must avoid duplication.

Nonetheless, there was firm support for the principle of information exchange that worked within the above constraints.

There is value in improving communications with other stakeholders but this should be on the basis of local joint-working in order to strengthen mutual trust and understanding. It should not be a "top-down" approach via the organisations' central policy makers.

### **Stakeholders**

Stakeholder organisations would value information exchange with grazier organisations eg 2-way exchange of case studies and advice notes

The Foundation could disseminate and exchange useful information eg with NSA, Moorland Association, National Parks and NFU via email bulletins, newsletters, websites

Commoners are sometimes viewed as people with whom it is difficult to communicate and work, partly due to the legal restrictions in the way that Commons Associations or equivalent operate. Some stakeholders only contact them when there is a problem. The result is often a relatively poor relationship with only limited mutual understanding.

### 3.3.3. Providing and signposting information about legal aspects of common grazing

Generally, there was support for:

- sharing experience and case studies;
- being able to talk to other people with similar problems;
- giving information about useful legal contacts;
- helping people understand the "system".

Nonetheless, there was recognition of the risks and costs associated with legal "interpretation" and contentious issues.

### 3.3.4. Providing a forum through which commoners can get in touch with each other

### **Graziers**

The main messages from graziers in relation to forums for communication were that:

- forums don't work if introduced "from above";
- people prefer face-to-face or telephone conversations;
- apart from younger age groups, people will not use web-based forums or similar interactive services. Young commoners in the New Forest make use of the Internet for interactions – the only practical example we have found;
- meetings are, by far, the best option for connecting people initially.

### **Stakeholders**

Natural England want to help connect new with existing commoners and web-based forums could play a part in this.

Some useful on-line forums already exist eg Grazing Advice Partnership, Scottish Crofting Federation.

### 3.3.5. Public awareness and education

### **Graziers**

Graziers did not generally view work on public awareness and education as being as important for the Foundation and its observatory as work on policy and evidence gathering. Considerable work is done locally to raise public awareness, by a range of bodies eg National Parks and National Trust. Some of this is viewed by graziers as helpful and some unhelpful. There are examples of engagement by graziers to build on and improve this (e.g. the Dartmoor Commoners Council, the New Forest Commoners Defence Association, Federation of Cumbria Commoners).

### **Stakeholders**

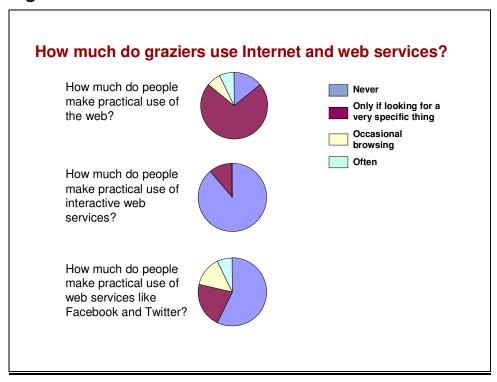
The main view expressed by stakeholders was that there are already a number of mechanisms for informing the public and that commoners should perhaps focus both on increasing their own exchange of information and good practice and on improving the information flows to policy decision-makers.

### 3.4. Use of Internet and web services

Commoners are often located in remote rural areas and are spread right across Great Britain and Ireland. The use of the Internet to help commoners connect with each other and to share in services from the Foundation clearly would have many advantages, if the target audience tended to use the Internet.

Commoner representatives were therefore asked to asses how far they believed commoners in their area would be likely to use the Internet. The results are illustrated in Figure 3.2.

Figure 3.2



Thus, the evidence indicates that, among the grazier population:

- most people only use the Internet if they are looking for something very specific;
- most people never use interactive web services;
- use of social networking services like Twitter and Skype is extremely limited;
- lack of a broadband connection in many remote locations limits use and usefulness of the Internet.

### 4. EVIDENCE FROM THE GATHERING OF COMMONERS

### 4.1. Gathering of commoners

The initial consultations demonstrated that there was a need to get more broad-based evidence from commons graziers about the issues they are facing and their ideas on collaboration to help tackle them.

With the benefit of funding from Natural England, we were able to organise a gathering of commoners from across the UK and Ireland. The event was hosted by the Federation of Cumbria Commoners and held in Melmerby on 5<sup>th</sup> February 2010.

Some 40 active commoners and their representatives attended the gathering. It comprised an intensive day of information exchange and workshops around the themes identified in the initial consultation of the Feasibility Study.

A report of the proceedings of the gathering is at Appendix E.

### 4.2. Overview of findings from the gathering

The gathering presented the opportunity for a broadly based group of commoners and representatives to discuss options for action and, importantly, to indicate the ways in which they should be implemented through the Foundation to secure active commitment and sustainability.

Broadly speaking, the gathering endorsed and reinforced the evidence from initial consultations undertaken in the study. The gathering also enabled specific issues to be explored and validated in more depth, through detailed discussions within the workshops.

Workshop members identified the following priority areas as needing urgent collaborative action:

- influencing decision-makers, within Government, agencies and elsewhere;
- present and future payment systems;
- legal and regulatory issues and challenges;
- future viability of commoning;
- sharing information;
- specific land and animal management problems and practices.

Areas of activity that the Foundation should undertake as priorities, should be to:

- lobby and influence decision-makers
  - the Foundation should aim to influence policy-making at an early stage to ensure that commons situations, assets and constraints are considered and included in the design of policy
- share information and increase mutual understanding among commoners
  - the Foundation should aim to increase the communications between commoners. This must complement / strengthen and not duplicate current work by existing groups and partners.

Other potential Foundation activities included the following.

- Web-based services: Provide a web-site to enable commoners to share information about a range of matters eg tourists, access, legal problems etc.
- Hold occasional national or multi-regional gatherings to enable commoner groups, especially younger commoners, to make contacts and share experience.
- Use gathered evidence to support the case for research eg in relation to the impact of agri-environment schemes, impact of increased public access etc.
- Provide chargeable training/development for agencies.
- Provide templates for documents or processes that are widely required eg agreements, working practices etc.
- Facilitate a network of "expert advisors" and of "supporters".
- Communications to the public, interest groups and government agency staff about the value of commons and the importance of traditional commons management practices.
- Support local groups in their preparation of local funding applications.

In relation to Foundation membership and funding, most people felt that it would be too complex at this stage to aim for a wide membership of individuals – whether active in commoning or with an interest in supporting commons. The consensus was that the Foundation should:

- aim to limit membership to "groups that represent commoners". This
  definition includes a wide range of existing groups eg councils,
  associations, federations, forums etc;
- consider broadening the membership to others mainly groups but some individuals without any group association – after the Foundation has made progress with its initial programme of work and demonstrated some impact. This should not be too long delayed.

In addition to membership subscriptions from member organisations, workshop members identified a number of funding sources that the Foundation should explore:

- fund-raising events to be run by local groups eg social events, sponsored runs etc. These could be initiated quickly, with the support of local groups;
- delivering chargeable services and research to agencies and other organisations whose work relates to commons management;
- exploiting the potential for co-operative funding from the RDP Leader programme;
- offering chargeable training and Continued Professional Development for staff in public agencies.

A guiding principle was that the Foundation should not compete for funds with local organisations.

In relation to the Ireland, their representative indicated a number of common pressures eg recreational user access, ageing farming population, economic pressure on farming, land designations, single farm payment etc. Overall, there will be value in continued communications between the Foundation and commoners groups in Ireland.

### 5. ANALYSIS OF EVIDENCE FROM CONSULTATIONS

### 5.1. Introduction

This section documents the analysis of evidence and inputs to the study to determine the range of feasible options for action to deliver the observatory service via the Foundation for Common Land.

As outlined in Section 1 of this report, observatory services are defined as:

- increasing information exchange and discussion between commoners across the different regions and parts of the UK;
- creating an information and evidence base that has integrity and relevance to current and emerging issues and policy decisions relating to common land and its management;
- creating channels of communication to disseminate and exchange information and evidence in a timely way to a wide audience – commoners, stakeholders, decision-makers and the general public.

### 5.2. What collaborative action is needed?

From the consultations with graziers and other stakeholders and from the Gathering workshops, we can identify the need for 2 main types of "observatory-type" collaborative actions. These are outlined below

### 5.2.1.Inform and influence decision-makers

The Foundation's observatory services should **aim** to inform and influence policy-making at an early stage. The purpose is to ensure that commons situations and constraints are considered, understood and included in the design of policy. Specific **activities** should be:

- build on existing contacts and relationships with decision-makers in government, agencies and other stakeholders;
- gather and present evidence about commons management and issues;
- use the relationships and evidence to provide timely and effective advice to decision-makers.

**Priority issues** that should be tackled in this way are:

- the upcoming CAP reforms in 2012;
- the working of the payment system and associated mapping;
- retention of active graziers and, specifically, encouragement of young commons graziers.

### 5.2.2. Increase information exchange and mutual understanding among commoners

The observatory services should **aim** to increase the communications between commoners. This must complement and not duplicate current work by existing groups and partners. Specific **activities** should be:

- produce and circulate a newsletter to commoners and other interest groups and communities. In areas with existing groups, this should be done with and through the local group.
- facilitate local gatherings of commoners to exchange views;
- organise exchange visits between commoners in different parts of the country;
- produce information of various types, for example distribute DVDs of the different local commons situations and systems;
- provide a simple web-site to hold reference information about commons and to communicate what the Foundation does.

### **Priority issues** that should be addressed in these ways are:

- increasing mutual understanding among commoning communities;
- sharing information about practical issues and problems;
- providing information about legal case law and examples that have a wide application to commoners.

### 5.3. Views of consultees on options for action

In relation to implementing the options through the Foundation, the main messages from consultations with commoners and the gathering, were that:

- the Foundation needs to keep its structure and its ways of working as simple as possible;
- there is a need to start work on practical problems and to be seen by the commoning community to be making an impact;
- the initial programme of work should focus on a small number of very high priority actions;
- from the start, there needs to be a strategy for communicating with commoners and others about what the Foundation is doing to "market" its impact and its value.

### 5.4. Constraints on providing a UK-wide approach

There do not appear to be potential funding sources to meet the costs of a UK-wide service. The funding aspects are addressed more fully in Section 6.

In addition, there are 3 main factors that constrain the options for achieving the required UK-wide programme of work.

### 1. Differences in the local organisations across the UK

The Welsh and the Scots have more coherent and embedded organisations for commoners/crofters. In England the degree of organisation varies widely across the regions, and existing groups are widely dispersed geographically. With limited exceptions, these groups have little experience of seeking to work together. Potential collaborative activities for English groups may already be being undertaken by the WCF and the SCF.

Potential observatory services	England	Scotland	Wales
Setting up their own group to facilitate working connections between the main commoner groups or federations	Needed	Already exists	Already exists
Facilitating gatherings and information exchange	Needed	Already exists	Already exists
News exchange programme	Needed	Already exists	Via meetings
Web-site	Needed	Already exists	Potential

### 2. Problem of representation

Graziers already find it demanding to give adequate time and support to their local organisations in addition to their day-to-day farming activities. Finding time to engage with further collaborative work at a national level will be difficult and this is compounded by the need to travel large distances for meetings etc.

### 3. Internet limitations

There are very significant limitations on the use people make of the Internet. This constrains the extent to which some activities that seem to be appropriate for Internet applications (eg information sharing, mutual updating on issues etc) cannot be addressed in this way for the majority of potential users. Web services could be used to a limited extent but this will be narrower than was envisaged at the start of the Study.

### 6. POTENTIALLY VIABLE OPTIONS FOR ACTION

### 6.1. Introduction

In order to respond to the requirements and to the constraints outlined above, a viable solution will need to:

- deliver services that fit with the different situations in England, Scotland and Wales:
- have a "light touch" to organisational structures to ensure proper representation of commoners from different parts of the country, with the least possible additional administrative burden placed on representatives;
- be capable of delivering practical outcomes within a relatively short time-frame, both to meet the expectations of funders and to start building engagement and credibility with the commoning communities.

The proposed solution has 3 components:

- 1. arrangements for the working of the Foundation in the steering and direction of observatory services;
- 2. services to the national groups (WCF, SCF and the group of English Federations).
- 3. a project to develop capacity in the English Federations.

### 6.1.1. Design of working arrangements for the Foundation

In order to meet the requirements and constraints identified in the Study, the Foundation would need to:

- be a 'light touch' organisation, set up as simply as possible to deliver a facilitative programme of work;
- stay close to the grass roots and to actual work on the ground;
- be an extension of existing federated groups, working bottomup, rather than top-down;
- reflect the different starting-points of the English, Scottish and Welsh groups;
- involve people with other skills to assist the partnership to work strategically.

This could be achieved by a form of partnership between existing groups working at the national level for England, Wales and Scotland. An outline of the model is illustrated in Figure 6.1. It is based on the assumption that the English Federations would agree on a form of national collaboration that would facilitate their participation in the partnership.

The working arrangements would involve:

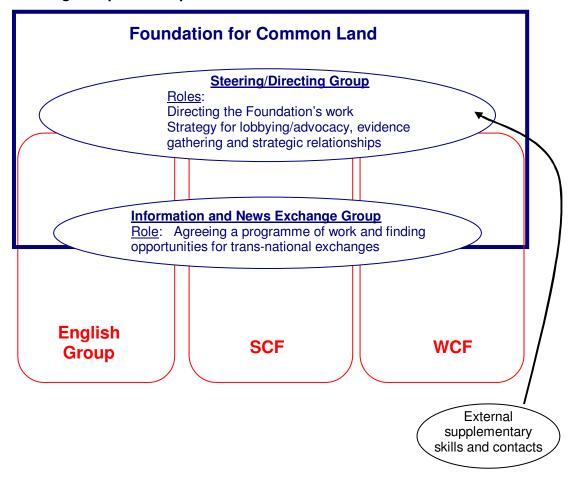
 a small steering/directing group with representation of, say, up to 2 people from each national group and some "external" members with essential supplementary skills and expertise. As well as directing the Foundation, this group would be

- responsible for the Foundation's work in evidence gathering and advocacy with policy makers;
- a group to develop joint working opportunities and information exchange between the national groups. As part of the group's work, the organisation's operational processes and necessary working structures will evolve;
- national Federations or groups running their own programmes of work and including some that form part of the Foundation programme of work. They would also be capable of hosting staff and projects directly on behalf of the Foundation.

In this model, it is important to recognise the Foundation as being a working partnership between the existing organisations.

Figure 6.1 Outline of Potential Working Structure for the Foundation for Common Land

### Working as a partnership



### 6.1.2. Observatory services to the national groups

The work that would be involved in delivering observatory services is outlined in Appendix G. This indicates that resourcing in the range of 1.5 to 2 full-time equivalent staff would be required as a minimum.

Consideration was given to 2 broad options for resourcing the work and hosting the necessary staff. These are outlined below.

1. <u>Delivery of the services by staff located within local Federations</u>. They would work to a shared programme of work and each deliver a component of the national programme.

### Advantages:

- sharing the workload across existing groups
- developing new skills and competencies within those groups
- potential for staff in English groups sharing work for the Foundation (UK-wide services) with the project to develop capacity in the English Federations

### Disadvantages:

- difficult to develop momentum and consistent quality of work
- challenging to recruit several people with the appropriate skills and competencies
- steering and directing work would be more complex
- local groups are at differing stages of development and, therefore, of ability to host work of this sort.
- 2. <u>Delivery of the service by "centralised" staff</u> working for the Foundation but, perhaps, hosted by one of the member Federations

### Advantages:

- easier to manage and direct progress
- less complex recruitment
- likely to be cheaper to implement due to the reduced dependence on communications and inter-working for delivery of the programme
- more scope for providing a simple interface for working with other stakeholders and policy-makers.

#### Disadvantages:

- less embedded within the Federations
- success of the programme very dependent on the effectiveness of 1 or 2 people.

Either approach could be effective but the second may be a more pragmatic solution. The appropriate way forward will be influenced by

the funding opportunities available as well as by the views and wishes of partners.

### 6.1.3. Proposed project to develop capacity in the English Federations

The aim of this project would be to provide effective means for commoners in England to develop their capability to:

- exchange information and explore issues with other commoners in their region;
- share potential solutions to problems and identify opportunities to improve sustainability;
- share information and insights with commoners in other regions.

In practice, the purpose of this project very close to that of the Foundation as a whole ie to achieve effective and collaborative ways of improving communications, exchange of information etc. The difference is that this project is targeted specifically at the English regions. If implemented, the project should enable the English Federations and commoner groups to participate more effectively in a UK-wide programme of work with Scotland and Wales.

Initially, the project would deliver activities and events in 4 regions of England – Yorkshire, Cumbria, New Forest and the South West and outputs would be disseminated widely to commoners throughout the UK. Initial project partners are likely to be:

- The South West Uplands Federation, (Bodmin, Dartmoor and Exmoor);
- New Forest Commoners Defence Association;
- Federation of Yorkshire Commoners and Moorland Graziers;
- Federation of Cumbria Commoners (affiliated with commoners in Lancashire and Northumberland).

Events would enable practical and constructive exchange of information among commoners, in the region, about issues that are important to them. The events would also be promoted in other regions that might have related interests and there would be active dissemination of outcomes.

The main outcomes from the project in England would be:

- better informed commoners, landowners and other stakeholders;
- communication channels set up and better understanding established between these three groups within the 'home' areas and across the participating areas;
- capacity building in the local commoners' Federations.

### 6.2. Options for funding

Although several of the core functions need be delivered in a UK-wide programme of work (eg coordinating evidence gathering, developing relationships with policy makers etc, inter-regional and inter-national exchanges), we have not identified sources of funds to support a UK-wide

programme. There may, however, be scope for funding work to develop the capacity of English groups, as outlined in the previous section. Assessment of the funding options that were investigated, are outlined below.

### 6.2.1. Member subscriptions

Both during initial consultations and in the Gathering workshops, there was a firm view that it would be too ambitious and complex at this stage to aim for a wide membership of individuals – whether active in commoning or with an interest in supporting commons. The consensus was that the Foundation should:

- aim to limit membership to "groups that represent commoners".
   This definition includes a wide range of existing groups eg councils, associations, federations, forums etc;
- consider broadening membership to others mainly groups but some individuals without any group association – after the Foundation has made progress with its initial programme of work and demonstrated some impact. This should not be too long delayed.

At this stage, therefore, membership subscriptions do not offer a viable means of funding the Foundation and its observatory services.

### 6.2.2. Charitable organisations

During the course of the study, consideration was given to the potential for charitable funding. An initial application was submitted to the Esmee Fairbairn Foundation. This was not successful but further discussions with the Foundation indicate that there may be scope for a further application in relation to facilitation and development of the working partnership.

### 6.2.3.RDPE

Representatives of funding organisations in a number of English regions were consulted about the potential for funding a project to develop capacity among commoners Federations for information exchange and shared development. The consultees are listed in Appendix C.

There is very limited availability of RDPE Axis 4 funds for collaborative projects. Only the Fells and Dales LAG and the Yorkshire Dales LAG have project-scale collaborative funds. Two others have Axis 4 funds but only at a scale appropriate to feasibility or exploratory work.

For regions outwith the South West, it appears that RDPE Axis 3 ro Axis 4 funding could, in principle, be available from Leader local action groups in the relevant areas to support a project or projects along the lines indicated in section 6.2.3. A number of important reservations were, however, expressed:

- each project would need specific local evidence of need and demand;
- local engagement would need to be clearly demonstrated and it would be unlikely that services delivered from outside the local area could be funded;

- local Federations, who would need to make the applications and run the projects, have very limited time and skills to undertake the work;
- if any costs were to be shared across regions, this would need to be strictly defined and detailed, both in the application and the management of the project. The projects would, therefore, be administratively challenging.

In the South West, the focal point for this sort of project appears to be the Hill Farm Project. This project facilitates hill farmers' access to RDPE Axis 1 funds and, if a commoners collaborative project were taken forward, the Hill Farm Project officer would be responsible for drawing down funds and organising events etc. A bid to and through the Hill Farm Project from Federations and Commoners Councils in the South West would need to be co-ordinated for submission.

### 6.2.4. Other funding and resourcing options

It would appear that the Local Sustainability Funds held by the National Parks would not be suitable to a commoners' capacity-building project.

The Foundation is planning to work in partnership with a project being funded by the EC (<a href="www.efncp.org">www.efncp.org</a>). This will gather evidence and assess the impact of the transition to area-based subsidy for high-nature-value (HNV) farms in different parts of Europe – including the UK. The research should demonstrate whether commons and other HNV farm businesses are adequately rewarded for the public benefits they provide and whether they can be economically viable in that context.

It may be that there will be other European programmes and projects which have aims and activities that converge with those of the Foundation and other commoners groups in the UK. The Gem-Con-Bio Project (<a href="www.gemconbio.eu">www.gemconbio.eu</a>) for example, focuses on empowering local communities in conservation strategies and measures for the land they manage. It feeds research into policy development in areas that align closely with UK commoners' interests.

A further potential funding programme that is relevant to the Foundation's work may be the European Programme "Information measures relating to the Common Agricultural Policy".

In due course, it may prove feasible for the Foundation to facilitate and even deliver Social Enterprise ventures, but it is too early to provide an indication of the potential scope of these.

### 7. CONCLUSIONS AND RECOMMENDATIONS FOR ACTION

The conclusions that we draw from the evidence and analysis in the course of the study are outlined below, along with recommended actions where appropriate.

### 7.1. Need for "observatory type services"

There is a clear need for the services and activities (outlined in section 5.2) to:

- inform and influence decision-makers about commoners and common land management, and
- increase information exchange and mutual understanding among commoners.

#### These are needed to:

- inform policy-making and decision-making by stakeholders and by government at national, UK and European levels. This will help prevent further damage to commons management and the major public benefits they are required to deliver. The aim is to ensure that more accurate and comprehensive evidence about commons will both stimulate positively supportive policies and help to limit the unintended consequences of broader policies such as within the CAP regime;
- improve the level of shared knowledge and understanding among commoners themselves and thus increase their capacity to work together to tackle the major challenges that are facing commons management both now and in the future;
- address specific current issues such as the complexities of new administrative arrangements for commons;
- provide an information resource for commoners to support them in their work and interactions with professional disciplines (eg conservationists, ecologists, soil scientists etc) in tackling local problems and in shaping local management strategies. Strengthening the capacity of commoners in this way is likely to result in more viable management strategies with a more appropriate balance between traditional farming practices and other management priorities.

### 7.2. UK-wide services

In order to be fully effective, especially in relation to gathering evidence to support policy, the observatory services need to be on a UK-wide basis.

In order to be practicable, UK-wide services should be delivered via a partnership of existing groups with the minimum of additional organisational structure. At present, the WCF and SCF already have an organisational structure to enable them to participate in a UK partnership. It would be helpful if Federations in England could agree an approach to working collaboratively to provide an equivalent working interface with the UK partnership.

### 7.3. Funding the UK-wide service

It has not been possible to identify sources of funding for the UK-wide services. The regionalised approach to RDP and the limited adoption of Axis 4 means that RDP funding for this project is not a feasible option.

An approach was made to one of the major charitable funding institutions – Esmee Fairbairn – but this has not been successful at this stage. Further discussions are planned.

### 7.4. Developing collaboration among English Federations

Even in the absence of UK-wide services at this stage, we recommend consideration by the English Federations of a project along the lines outlined in section 6.2.3. As well as being a step towards UK-wide services, it would meet current needs in England for greater information exchange and development of collaborative capacity.

### 7.5. Initiating UK-wide partnership working

Even in the absence of funding for the UK-wide services at this stage, we recommend that the Shadow Board and the Federations consider initiating improved communications and partnership working on current issues, where resources can be made available to do this. This would be a valuable step towards implementation of more comprehensive UK-wide collaboration in due course.

Particular areas for consideration are outlined below.

### 7.5.1.Initial work on a Web presence

There may be scope for an active Federation to provide a web service on behalf of the Foundation, in order to initiate the observatory services. This could build on the existing Common Threads website and be delivered in conjunction with development or enhancement of the Federation's own web service in order to ensure a cost-effective approach.

### 7.5.2. Developing relationships with stakeholders

It is clear from consultations and discussions in the study, that an early priority should be to improve communications and relationships with stakeholders. This is true both for the UK-wide partnership and for the proposed English project. Areas for cooperation could include evidence gathering, proactive involvement of stakeholders with commoners' groups, provision of training for stakeholders' staff etc.