



**FOUNDATION FOR
COMMON LAND**
A gathering of those with a stake in pastoral commons and their future

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**DARTMOOR COMMONS BRIEFING
WESTMINSTER HALL DEBATE
18TH APRIL 2023**

The Foundation for Common Land is a registered charity whose purpose is to enhance the natural and cultural heritage of common land, to encourage sustainable pastoral commoning and to educate the public and policy makers.

We are in agreement with the Briefing prepared by the Uplands Alliance and this provides document additional background ideas focusing on commons management.

The Foundation for Common Land is saddened to hear of the breakdown in relations between Natural England and many of the Commoners Associations holding stewardship agreements on the Commons of Dartmoor. Given the key role of environmental schemes to support thriving upland businesses enhance biodiversity and other public goods a remedying of this situation at the earliest opportunity is essential. The Foundation for Common Land recommends parties may wish to consider the principles in the statement agreed in the meeting of national conservation and farming leaders in 2019; [“Cooperation not Conflict Securing Thriving Farm Businesses in an area of International Significance for both its Cultural and Natural Heritage: The English Lake District”](#)

While the management of commons is often contested we have concluded the current position in Dartmoor has arisen in part due to a lack of attention to the ‘Attributes of Successful Management on Commons’ as identified by ‘Better Outcomes on Upland Commons’.



Attributes of Successful Management for Multiple Outcomes

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The 'Better Outcomes' project ran from 2013 to 2015 and Natural England, Dartmoor National Park Authority and Dartmoor Commons Council were partners in. It has now become Our Upland Commons, a three year National Lottery Heritage Funded project.

Our analysis is that the current governance arrangements and ways of working by Associations and Natural England fails to meet the following essential attributes for delivering multiple outcomes on Commons. Furthermore, there is a lack of recognition that as commons deliver multiple, and sometimes competing, public goods then HLS scheme prescriptions need to carefully consider the unintended consequences of sudden change for a single purpose.

Attribute for Success on Commons	Situation on Dartmoor
Time	<p>Natural England staff numbers in Dartmoor have reduced dramatically in the last ten years meaning there is insufficient time to manage the HLS agreements effectively. For instance NE's email letters requiring changes to secure a HLS extension were sent out in February and March 2023 very close to the HLS expiry date leaving little time for negotiation. Agreement holders felt their back was against the wall and powerless in the process even though there had been informal negotiations in the months before hand.</p> <p>This comes on the back of a lack of time dedicated to monitor and review HLS agreements over the last ten years despite the expenditure of large amounts of public money on schemes.</p> <p>Another challenge is that in Dartmoor many Commoners Associations tend to undertake their own negotiations rather than employing independent land agents or advisors. This means due to the pressure of other work it can be hard for farmers to allocate sufficient time to managing agreements and liaising with Natural England.</p>
Good Communication	<p>Good communication includes face to face individual discussion backed by clear written reports and recommendations for bespoke management. Natural England in Dartmoor was perceived to use a 'mail merge' approach to communicating with Commons Associations. Furthermore the correspondence was unclear about what was required. This has back-fired resulting in huge anger among agreement holders. Natural England also failed to work with other local stakeholders who could have advised upon and supported the process including the National Park Authority, Hill Farming Project and Dartmoor Commoners' Council.</p>
Agreed Outcomes	<p>NE and Commons Associations do not yet have a common agreed understanding of what good looks like for the ecology of Dartmoor and how biodiversity</p>

	<p>outcomes can be achieved alongside other public goods in a commoning context. How can ecological enhancement can be achieved in areas dominated by Molinia that exist adjacent and unfenced from areas of heavy grazing?</p> <p>The lack of monitoring surveys during the last ten years mean there isn't a secure and agreed evidence base to plan future management.</p>
Fair Negotiations	<p>The lack of independent facilitation has meant individual vested interests can dominate negotiations both within commons associations and between the association and Natural England.</p>
Respectful Attitudes	<p>As tensions have risen and views have polarised the language and manner of communication has deteriorated between parties. There is increasingly an unwillingness to respect, if not agree with, different perspectives.</p>
Clarity on Rights	<p>The legal position on commons is complex with plural legal rights co-existing. Greater clarity on the interaction of between property rights, statutory duties and administrative responsibilities of different parties is required.</p> <p>In particular it is not agreed when commoners require SSSI consent for operations requiring Natural England consent (ORNECs). And further more the management required for delivering good condition of the scheduled ancient monuments on Dartmoor can conflict with that for enhancing biodiversity.</p>

How can we move forward?

1. **De-escalate the situation** allowing space for informed respectful dialogue.
 - a. We are supportive of the suggestion to adopt a 1 plus 4 approach to the 5 year HLS extensions. We recognise that different levels of changes are required on different commons and that a bespoke management plan is required that allows adjustment over time with regular reviews and monitoring.
 - b. Due to the tensions existing between individuals as much as between organisations we suggest that Natural England bring in staff or consultants with experience in conflict resolution and negotiations to support the Area Team.
 - c. Obtain assurances from the RPA that their administrative systems can allow sufficient time for negotiations without commons falling out of HLS agreement while accepting that Business as usual cannot continue indefinitely.

2. **Adopt the Upland Commons Charter as Agreed by all the partners of Our Upland Commons**, this is attached as an Annex and has been agreed by Natural England, the Dartmoor National Park Authority and the Dartmoor Commoners Council. Focusing on working on areas for 'Collaboration' rather than areas of 'Conflict' is also recommended.

3. **Encourage all parties to recognise changes in livestock management are required** and that involves more than simply adjusting numbers of stock, though that will be part of the solution. The location and seasonality of grazing is critical as is the balance between cattle, sheep and ponies. Farm Businesses would benefit from support to adapt their businesses to respond to the changes in livestock numbers and management on the commons rather than considering the common in isolation of the home farm.

4. **Understand and Agree what Good Looks Like** as across all England there has been a significant decline in biodiversity over the last 70 years and commons reflect that trend. It is though hugely challenging to manage mosaics of habitats through grazing as the requirements of the habitats vary as do the livestock's preferences. Meeting these challenges is always easier when there are examples of good ecological outcomes so commoners and owners can learn from what practical management delivers these.

5. **Enhance Governance Arrangements** There are too many examples where commoners associations are not following best practice for how to structure their Association and manage their HLS agreements to deliver what they are contracted to do. Longstanding inter-personal feuds characterise several Associations. Dartmoor is fortunate in having a statutory Commoners Council which should be actively supported to both develop its own management and support its constituent Associations.

6. **Jointly commission a Legal Opinion on the Powers of Natural England with regard SSSIs on Common Land**

There is considerable lack of clarity regarding the implementation of the Wildlife and Countryside Act 1981 (as amended) on common land. This has resulted in complete breakdown of relations on one common in Dartmoor and also leaves commoners elsewhere with considerable uncertainty about their options in a no scheme world. The Foundation for Common Land has drafted instructions to Counsel that may be helpful and an experienced KC Counsel is available to respond to these.

17th April 2023

A Charter for Collaborative Action on England's Upland Commons

Upland Commons are important and valuable places for both nature and people

This Charter supports ongoing collaborative working between all parties involved with common land.

It forms the basis for taking forward the future management of Upland Commons to achieve the best multiple outcomes.

We **APPRECIATE** upland commons as a collection of physical assets including natural resources, ecology, business, community, history and culture.

We **RECOGNISE** upland commons as special places that are enjoyed both directly and indirectly by different users.

We **RECOGNISE** that each common is unique.

The Partnership **RECOGNISES** the importance of developing trust among current and potential partners, stakeholders and user groups

We **COMMIT**, through participatory planning, to the long-term delivery of improved outcomes for commons, related businesses, nature, people and communities.

We **ACKNOWLEDGE** the absolute importance of coordinating partner interests and managing visitors to optimise what upland commons can deliver.

We **COMMIT** to inclusivity, respect and professionalism

Cooperation not Conflict: Securing Thriving Farm Businesses in an area of International Significance for both its Cultural and Natural Heritage: The English Lake District

8th April 2019: Meeting Note

The participants in their discussions considered the following draft statement:

In this time of change we in the Lakes will work collectively to empower and enable thriving farm businesses and communities to create enhanced habitats and networks for nature in this celebrated cultural landscape.

and agreed;

We recognise this is a time of unprecedented change for both farming businesses and the environment; there is an urgency to address the risks from changes in:

- farm economics
- climate change and
- biodiversity decline

and build resilience for the environment, farm businesses and communities.

That thriving farm businesses and communities are central to the future success of a culture rich and nature rich landscape for the English Lake District

To support change we need to be more confident both building on current best practice and developing radical solutions recognising;

- the influence and interdependence of farming, food production, communities and the environment
- that blending the local knowledge of farmers alongside best practice and innovation from elsewhere is central to developing shared solutions
- the public benefits provided by the Lake District have national and international significance and value
- sustaining the Outstanding Universal Value of this cultural landscape World Heritage Site can and should occur in tandem with restoring and enhancing its natural heritage and Special Qualities
- the Lake District will have a diversity of management and outcomes across and within the 13 valleys

Next Steps

We urge the Lake District National Park Partnership to work collaboratively to build a framework to enable farm businesses to proactively adapt to this change. Our aim collectively and individually is to deliver improved outcomes and resilience for our cultural landscapes, the natural environment, businesses and communities. Our work going forward will include;

- Developing and influencing a range of support, advice, data and guidance to respond effectively to this unprecedented change
- Shaping future agricultural and environmental policies and schemes to deliver a nature rich and culture rich landscape
- Enabling the empowerment of farming communities to self-organise to secure profitable resilient businesses delivering multiple outcomes including agricultural produce
- Harnessing skills and resources from both within and outside the Lake District and creating space for mutually respectful consideration of evidence to help our decision making.

Participating Organisations and their attending representative: the discussion was non attributable

<u>Organisation</u>	<u>Name</u>
Cumbria Wildlife Trust	Steve Trotter*
Defra	Andrea Ledward
Defra Review of NPs & AONBs	Julian Glover
Federation of Cumbria Commoners	Joe Relph
Foundation for Common Land (convenor)	Julia Aglionby
Herdwick Sheep Breeders Association	Will Rawling*
John Muir Trust	Andrew Bachell
Lake District National Park Authority	Richard Leafe* & Peter Allen
LDNP Partnership	Stephen Henwood*
National Farmers Union	Thomas Binns
National Trust	Hilary McGrady
Natural England	Amanda Craig
Pasture Fed Livestock Association	Russell Carrington*
Prince's Countryside Fund	Lord Curry
RSPB	Kevin Cox
The Farmer Network	Adam Day
United Utilities	Jo Harrison
University of Cumbria	Julie Mennell & Lois Mansfield
Woodland Trust	Beccy Speight

Thank you to all the speakers and facilitators, some are listed above () and others below:*

Jeremy Barlow	National Trust
Susan Denyer	ICOMOS-UK – Advisor to UNESCO
Viv Lewis	FCL: Our Common Cause: Our Upland Commons Facilitator
Liam McAleese	Lake District National Park Authority
Claire Saunders	Prince's Countryside Fund
Danny Teasdale	Ullswater CIC
Veronica Waller	The Farmer Network

HRH The Prince of Wales joined the meeting for the concluding session

The Meeting was convened by the Foundation for Common Land and hosted by the University of Cumbria at their Ambleside Campus with the support of the Lake District National Park Authority. We thank the Heritage Fund for financial support towards the event as part of the Our Common Cause: Our Upland Commons project and to the Esmée Fairbairn Foundation as FCL's core funders.

