



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

Correspondence:

**Low Nook
Rydal Road
Ambleside LA22 9BB**

email: julia@foundationforcommonland.org.uk

16th October 2023

Dear David Fursdon,

Submission of Evidence to the Independent Dartmoor Review

Thank you for inviting the Foundation for Common Land to submit evidence.

The Foundation for Common Land is a small charity whose purposes are to enhance the public benefits from common land and the system of commoning, to encourage sustainable pastoral commoning, to undertake research and to educate the public and policy makers about common land and commoning. Public benefits include both the cultural and natural heritage and access. We do not have any members and are governed by six trustees.

Overall we consider that many of the challenges in Dartmoor are replicated elsewhere on common land across England and therefore this review is significant and will have wider ramifications.

Our submission focuses on the following points:

- Understanding the implications of existing legal rights and statutory duties
- Improving ways of working
- Developing adaptive management

Commons are complex and multi-faceted with different interests seeking different outcomes. These outcomes have a range of legal protections and the successful delivery of the outcomes is dependent on taking an intersectional and adaptive approach to the delivery of multiple outcomes.

Overarching all of this is that Dartmoor, as with all grazed commons, is managed by people who are passionate about their land and livestock, people who are running farming businesses with marginal viability, and people who are facing significant levels of uncertainty. Unless a more people centered approach is taken to working with commoners and common landowners the outlook for delivering public benefits from common land and favourable condition on the SSSIs is poor.

Yours sincerely

Julia Aglionby

Programme Delivery Lead

Submission of Evidence to the Independent Review of Protected Site Management on Dartmoor

1. *Background*

- 1.1. Most commons in Dartmoor have been in agri-environment schemes for over 25 years, most recently the combined higher level and upland entry level environmental stewardship schemes (HLS/UELS). As the new post CAP schemes are not yet developed Defra is extending the current HLS/UELS schemes beyond their ten year term subject to certain conditions – most particularly that the schemes are delivering the outcomes for which they were established.
- 1.2. The current tensions in Dartmoor have arisen over the terms under which Natural England (NE) is willing to recommend the extension of the HLS/UELS to the Rural Payments Agency (RPA) who administer the schemes on behalf of Defra. In short NE has demanded terms for the HLS/UELS extensions that in many cases are not acceptable to the commoners of Dartmoor and an impasse has arisen resulting in this Independent Review.
- 1.3. We are not experts on the ecology of Dartmoor so will leave other witnesses to provide evidence on appropriate grazing regimes and will focus on the most appropriate framework and approach to facilitate, negotiate and manage schemes that successfully deliver multiple and better outcomes on these protected sites.

2. **Advising what's needed to support the delivery of an effective grazing regime, consistent with meeting existing legally binding targets and statutory requirements.**

- 2.1. While this review's scope does not extend to recommendations on revising legislation a prerequisite is for all parties to understand the current legal framework that sets the rights, responsibilities and duties of the parties with a legal interest in schemes, grazing and vegetation management on protected sites on Dartmoor. There are plural legal orders that relate to grazing on Dartmoor commons including property law, statute, secondary legislation, administrative rules relating to schemes and contract law relating to the Internal Agreements between the property interests that underpin the HLS/UELS schemes on commons.
- 2.2. Due to the dispute over HLS rollovers in Dartmoor, and similar cases elsewhere in England, the Foundation for Common Land has separately instructed both leading counsel and a leading firm of solicitors. They have advised us on matters relating to the inter relationship between the exercise of rights of common on SSSI land and land adjacent to SSSI and the role of Natural England in this process. Both legal reports in full are appended to this evidence and the conclusions are included in our

evidence. This is general advice and should not be relied on by individuals who are advised to seek their own context specific advice.

- 2.3. Understanding the legal framework is though only the starting point and legal processes should be reached for in the last resort though recognising that SSSI consent is mandatory. Rather it is the active engagement, conversations, site monitoring and adaptive management that should be the primary outwardly facing activities. Unless there is agreement on and ownership of the ambitions for the common by those undertaking the day-to-day management then successful delivery is unlikely.
- 2.4. At the heart of this dispute is the reality, rarely acknowledged, that the outcome of favourable condition of the SSSI features of interest has primacy in law over other public benefit and private outcomes.¹ This primacy of SSSI features of interest is also reflected in the stated indicators of success for HLS/UELS schemes where delivery of food, cultural and historic heritage, landscape and access are only referred to in passing. The only formal indicators of success of HLS/UELS and Countryside Stewardship schemes relate to ecological outcomes. Defra has confirmed to us this status quo will continue with Environmental Land Management except with the addition of carbon as an additional outcome.
- 2.5. As a consequence, combined with the hollowing out of its corps of skilled and committed staff, Natural England in Dartmoor presents as, and is perceived as, a single agenda organisation without the time or inclination to integrate delivering other outcomes alongside ecological outcomes. This has alienated many commoners and tenants on Dartmoor whose identity and purpose is highly linked to their livestock and farming systems and the landscape and cultural heritage of these pastoral commons.

Common Land and SSSIs in Dartmoor

- 2.6. The management of SSSIs is governed by the Wildlife and Countryside Act 1981 as amended. Natural England is the authority with the statutory duty to designate, safeguard, manage and enhance SSSIs and enforce the WCA 1981.
- 2.7. 37% of Dartmoor National Park is common land (36,489 ha) and 27% of land in the National Park is designated as SSSI (22,820 ha). Across England the proportion of land designated as a SSSI is only 8%. Common land in England comprises 21% of all land designated as a SSSI despite being only 3% of England.
- 2.8. 62% of all common land in Dartmoor is a SSSI though in many cases a common is part designated and part not but in effect the whole has to be

¹ 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

treated as a SSSI. Furthermore, many non designated commons are unfenced from SSSI commons so can impact on the SSSI and this is taken into account during the Habitats Risk Assessment required for schemes given the majority of the SSSIs are also Special Areas of Conservation (SACs). Consequentially the total area of common land in Dartmoor affected by SSSI designation is we estimate over 80% and perhaps higher.

- 2.9. A right of common for grazing allow commoners to turn out livestock to graze the vegetation. The common land and rights of common on Dartmoor were registered under the Commons Registration Act 1965 and are regulated by the Dartmoor Commons Act 1985 via the Dartmoor Commoners' Council. Devon County Council has responsibility for maintaining the register of common rights under the CRA 1965 while DCC maintains the 'live' register; you cannot exercise your right to graze in Dartmoor unless your rights are on the Dartmoor Commoners' Council register.
- 2.10. The Commons Act 2006 Part 1 relating to updating Commons Registers is in force in Devon as is Part 3 relating to works on common land though subject to extra provisos in Dartmoor. Part 2 relating to the establishment of Commons Councils does not apply to Dartmoor with its own statutory council under the 1985 Act.
- 2.11. Common land can only be grazed by those who have registered rights of common, or have grazing granted via a tenancy agreement, or by the common landowner if there is a grazing surplus. All commoners, tenants and owners are occupiers of SSSIs as defined by the WCA 1981.
- 2.12. While Natural England understands it has a statutory duty for SSSIs many commoners do not appreciate the implications of this duty and how the exercise of their rights to graze are constrained by a SSSI designation or by grazing land adjacent to and unfenced from a SSSI. I.e., SSSI designation trumps property rights.
- 2.13. As a result of our legal advice, it has come to light that Natural England in Dartmoor appears to have a different understanding of their statutory duties with regard to notifying and hence consenting grazing by commoners on SSSIs to the advice given to us separately by two senior lawyers. The alternative is Natural England does understand its duties but has chosen not to undertake them. Natural England's decision not to require commoners to apply for SSSI consent has led to uncertainty and friction between different owners, tenants and commoners on Dartmoor as there is not a level playing field in terms of liability regarding SSSI consents.
- 2.14. Below in a series of questions and answers we summarise the some of the more relevant and pertinent advice provided by Michelmores and David Elvin KC. The full text can be read in the accompanying reports / advice.

SUMMARY BY THE FOUNDATION FOR COMMON LAND OF LEGAL ADVICE PROVIDED USING HOLNE COMMON, DARTMOOR AS A CASE STUDY

Overall Reminder: It is an offence in law for anyone to damage a SSSI. For those who are owners or occupiers of land notified as a SSSI there are additional requirements relating to their use of the land. Commoners are explicitly classed as occupiers under the Wildlife and Countryside Act 1981 so need to abide by requirements for occupiers.

1. *I have registered common rights. Can I turn out sheep up to my full number of rights once the HLS ends onto the SSSI?*

No. Commoners on Dartmoor SSSIs can only graze the SSSI if they have written consent to graze from Natural England. This is because the list of operations requiring consent includes: *Grazing and changes in the grazing regime (including type of stock or intensity or seasonal pattern of grazing and cessation of grazing)*. The current consent to graze ends when the HLS end. If any livestock continue to be turned out after the end of the current HLS scheme without a new consent being issued by Natural England then an offence is committed under the Wildlife and Countryside Act 1981.

2. *I grazed the common for many years before the common became a SSSI. Do I not automatically have "implicit" consent to graze?*

No. The Wildlife and Countryside Act 1981 requires all SSSI consents to be in writing and under current law the consent is required to be time limited. This means there is no such concept in law as "implicit" SSSI consent from prior long term grazing of land.

3. *I was not notified prior to my common being designated as a SSSI. Do I still have to obtain SSSI consent for operations requiring Natural England consent (ORNECs)?*

Yes is the short answer though this a complex area. Prior to the amendment of the WCA 1981 by the CROW Act 2000 those with rights of common were not explicitly included in the list of occupiers of SSSIs and therefore the practice of notification on commoners varied across the country. Many commoners were not notified and while the duty to obtain consent under s28E exists for all occupiers of SSSIs the criminal liability under s 28P(I) only arises once an occupier has been notified. There are though several other relevant factors that safeguard the process of requiring consent for ORNECs.

- (i) S28Q WCA 1981 makes it the duty of the owner of a SSSI to notify Natural England of any change in occupiers. Consulting the Dartmoor Commons Council Live Register on a regular basis and notifying Natural England of changes in commoners and tenants would be a reasonable action to ensure compliance with that duty.
- (ii) There is no duty on Natural England to newly notify someone who becomes an owner or occupier after the confirmation of a SSSI which in the case of Dartmoor SSSIs was last undertaken in 1989.
- (iii) S70B (5)(b) WCA 1981 imposes a statutory duty on Natural England if it; 'becomes aware of its failure to serve a notice on an owner or occupier, it must serve a copy of the notice on that owner or occupier'. Once a commoner is notified under this clause then they are criminally liable for a failure to obtain consent for an ORNEC under s28E.

(3 cont...) There have been numerous changes in commoners since the last notification of the Dartmoor SSSIs in 1989 and it would be interesting to know if owners have notified Natural England. In any event the failure of owners to do their duty is no excuse for NE not to notify all occupiers. Natural England in Dartmoor know there are gaps in its notification of the Dartmoor SSSIs but appears to have not undertaken its statutory duty under s70B(5)(b) to notify any occupiers who have not been notified. Natural England knows a list of current occupiers of the SSSIs on Dartmoor can be obtained from the register held by Dartmoor Commoners' Council. This is a public document. Additionally, all beneficiaries of HLS/UELS monies on a common had to be notified to Defra when a scheme started.

4. *If sheep stray from Common A to Common B who is responsible, the owner of the sheep from the next door common (A) or the commoners of the common onto which they stray (B).*

If Common B is in an agri-environment scheme the Association's members have a collective obligation under their contract to maintain the agreed number of sheep and would be in breach if the numbers on common B were exceeded as a result of the straying from Common A. This means they would need to shepherd back / return straying sheep. These contract terms are usually mirrored in the SSSI consent.

If there is no scheme / agreement on Common B and it is SSSI land then responsibility depends on the terms of the SSSI consent. Graziers on Common A cannot apply for consent to graze Common B as they are not occupiers of that land but the terms of the consent to graziers on Common B may require them to keep off encroaching sheep. The legal liabilities of graziers on Common B for the straying sheep are very dependent on the terms of the SSSI consent.

The Commoner from common A who has allowed their stock to stray may be committing an offence of damaging the SSSI and may have a Stop Notice issued against their activities under the Regulatory Enforcement and Sanctions Act 2008 if Natural England deem there is a risk to the SSSI.

5. *Can a Commons Association collectively hold SSSI consent on behalf of certain commoners or all commoners.*

Yes, Natural England can issue a SSSI consent to a group of occupiers under the umbrella of an Association. Natural England have considerable discretion in how they grant that consent. The notification should detail the area and the persons (occupiers) for whom the consent is sought. The advice noted that those individuals not covered by the consent would need to apply separately and Natural England would have to take into account existing consents in determining these additional consents.

6. *Does the Consent issued by Natural England apply only to the SSSI or to the whole Common.*

The SSSI consent related to the land notified as a SSSI but in issuing this consent Natural England is able to take into account any livestock that may be 'permitted' to graze the SSSI as a result of being turned out on adjacent non SSSI land so treating the management unit as a whole.

7. If the number of sheep grazed exceeds the consent who is liable – all commoners or the person who turned out the last sheep

It is the fault of the individual grazier who exceeds their allotted consent whether their consent is granted via the Association or directly. How that is enforced depends on how they hold consent. If the consent is a collective consent and numbers are exceeded then the Association could be held responsible by Natural England and the Association would need to use the clauses in their Internal Agreement to ensure compliance. If there are additional personal SSSI consents granted and that individual was in breach it is expected that Natural England would directly prosecute the individual at fault. It is the duty of Natural England to consider the cumulative impact of the consents they grant.

3. Considering any lessons to be learned from previous approaches on Dartmoor or similar situations elsewhere in the UK by examining comparable case studies, considering the different contributing factors in each case.

Better Outcomes on Upland Commons

- 3.1. In 2012 at the suggestion of The Prince of Wales, the Foundation for Common Land initiated a project called 'Better Outcomes on Upland Commons'. We sought to understand the differences between those with an interest in upland commons and in particular to look at the attributes of successful management on upland commons. The project reported back in 2015.² Natural England was actively involved in the project as were 13 other partners.
- 3.2. Commons from five different upland commons participated. One common from each of Dartmoor, the Lakes, Yorkshire Dales, Shropshire Hills and the North York Moors. The Forest of Dartmoor was the Case Study for Dartmoor.
- 3.3. The Executive Summary follows and details the Attributes of Successful Management which are also shown in a word cloud below.



Attributes of Successful Management for Multiple Outcomes

- 3.4. We have considered the current situation on Dartmoor cross checking these attributes against how Natural England has handled the management of the HLS/UELS schemes over the last ten years and especially the negotiations over winter 2022 and spring 2023 for the extension of the HLS/UELS. We have concluded Dartmoor fails every attribute required for successful management of multiple outcomes on upland commons.

² Better Outcomes on Upland Commons (2015)
<https://static1.squarespace.com/static/5d5fcdc672b2a400016bf1bb/t/5ff74bdb4857c45aef8dcfe0/1610042350723/Better+Outcomes+Report+Print+Version+31-07-15.pdf>

Better Outcomes on Upland Commons: Executive Summary (2015)

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:

- I. Strong and adaptive leadership and co-ordination
- II. Good and regular communication
- III. Effective and well-established networks
- IV. Respectful attitudes
- V. Clarity on rights and outcomes
- VI. Trade-offs negotiated fairly
- VII. Fair and transparent administration
- VIII. Payments that reflect respective contributions and benefits
- IX. Value local knowledge and provide local discretion over prescriptions
- X. 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:

3.5. We recommend that Natural England take a methodical approach to addressing each of these attributes in turn so that their staff are working in an environment where these attributes are embedded into ways of working.

3.6. Areas for Natural England to commence activity would include:

- 3.6.1. Increase the NE staffing levels on Dartmoor commons- one project officer per Quarter and a separate team leader. Ensure all staff are trained in commons facilitation and the law of commons.
- 3.6.2. Start each renewal negotiation 18 months before termination of the scheme.
- 3.6.3. NE officer to meet annually on site with the commoners / owner for each agreement.
- 3.6.4. Agree a monitoring programme, perhaps linked to the SFI Moorland Assessment, – and every [three] years review the prescriptions.
- 3.6.5. Listen to local knowledge from comparable sites and take into account the current condition of a site. In Dartmoor the common these is areas of extensive undergrazing now impenetrable with Molinia and then areas of heavy grazing. This is different to many northern upland commons. Context specific prescriptions are critical.
- 3.6.6. Build upon the work of Dartmoor Farming Futures allowing sufficient time and resources to support commoners and owners implement adaptive management.
- 3.6.7. Institute a system of Independent Panels whereby applicants for ELM can appeal if they do not agree with Natural England's recommendations.

3.7. In conjunction with the above the Dartmoor Commoners' Council also would benefit from support to enhance its governance, its communication with commoners and owners of common land to enable and nurture a culture where commoners are empowered to take responsibility for their actions. Attributes I, II, IV and VII in particular require action by each commoners association in tandem with the Dartmoor Commoners' Council.

- 3.7.1. Ensure each Association engages an independent commons facilitator for the negotiations who doesn't already work for any of the commoners or the landowner
- 3.7.2. Require professional documentation for the Internal Agreement ensuring suitably experienced solicitors are engaged with a quality assurance cross check.
- 3.7.3. Engage the commoners with the SFI Moorland Assessment and the accompanying farmer led habitat assessment so they better understand the ecological objectives of the SSSI management.
- 3.7.4. There are some fantastic woodland on Dartmoor's commons – more could be made of these and more created without unduly affecting grazing; potentially both via wood pasture and through better managing Molinia. The Quantocks would be an interesting comparable site.

3.8. As a result of this investigative project the Foundation for Common Land convened a partnership including Natural England to put into effect the findings. 'Our Common Cause: Our Upland Commons' is a project that operates in the Lakes, Dartmoor, Shropshire and the Yorkshire Dales.

Our Common Cause: Our Upland Commons

3.9. Our Upland Commons Project is a four-year, £3m, 25-partner project helping to secure the future of upland commons in Dartmoor, the Lake District, Yorkshire Dales and Shropshire Hills. It's led by the Foundation for Common Land. Three commons in Dartmoor are participating and the project runs until February 2025. We have a staff member working in Dartmoor and have been running a range of projects there since 2021.

3.10. During the development phase the 25 partners worked together with an independent facilitator to develop a Charter for Collaborative Action on England's Upland Commons. Natural England and the Dartmoor Commons Council as partners have both signed up to work in accordance with these principles.

3.11. Sadly, in Dartmoor we are a long way off operating in accordance with the ambitions in this Charter. Probably a result of so few (if any) of the attributes of successful management being currently in place.

3.12. The Foundation for Common Land recently received our mid-term evaluation of Our Upland Commons and some most useful findings were concluded by the evaluators following a busy 18 months of project activity. Dartmoor was the 'deep dive' case study.

3.12.1. Professional independent Commons Facilitators are essential to help commoners and owners of common land navigate the complexity of delivering public good enhancements on commons.

3.12.2. Delivering change in the habitats is likely to take ten years of continued support and interventions including site monitoring and adaptive management of management. Short term interventions are rarely likely to deliver sustained outcomes.

3.12.3. Projects delivering actionable insights to commoners that provide concrete learning on how to improve management practices should be the focus of investment.

3.12.4. Visioning exercises, to develop a Common's Vision, allow hopes and fears to be aired in a managed way and for broad ambitions to be agreed. The challenge is they rarely came up with anything specific enough to feed through into specific actions with each stakeholder reverting to their specific scope of interest.

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



Our Common Cause:
Our Upland Commons

Enabling a
shared future
for all



4. Recognising the important roles that hill farming plays on Dartmoor in contributing to community cohesion and food production.

4.1. Food production from, and community cohesion of, the commoning community are different matters though naturally for most farmers the production of food is core to their sense of identity so they have become closely interlinked. Farmers broadening their purposes of land management would assist a more multi-functional approach to common land management. If your sense of purpose is solely linked to food production then it is difficult to take pride from delivering other.

4.2. In 2019 FCL commissioned a report on Social Cohesion on Upland Commons and specific attention was paid to Dartmoor.³ The findings and recommended actions are detailed below. Implementing these findings would assist the resolution of the current impasse.

The Social Cohesion Project Findings

1 Uplands Commons matter. There is widespread care and commitment to commons and commoning, to the environment and to the cultural practices that have shaped the landscape.

2 People matter. The importance of relationships and communication must not be overlooked: this comes into every area of commons management, and into the community relationships between commoners and non-commoners. The ideal is a set of relationships where people feel comfortable and happy, feel they belong, are included in social groups, and have an equal right to a voice in discussions. Where relationships are difficult, with conflict, discrimination or bullying, there is a need to address them.

3 Changes have not always been good. There have been changes in upland farming practice, and the upland environment, in the last 50-60 years, some of which threaten environmental resilience and the continuation of the upland farming system.

4 Agri-environment payment schemes for farmers require close attention. There are issues with agreeing and administering agri-environment schemes which provide funding for farming at an individual and a commons level, and are currently under review; some social cohesion has been lost because of schemes (either working poorly or no agreement being reached); schemes must be balanced with proper monitoring.

5 There's a need for raised awareness. A need for education and understanding about different elements of managing upland commons among stakeholders, and raised awareness among the wider public.

6 A greater balance of voices is needed. There's a wish among farmers and others for a stronger voice for hill farmers in debates and in public-facing media, and a need for new approaches to collaborative working.

7 Optimism about the future is low. Sad but true. Without sorting out issues, through facilitating improved relationships, there is a perception that the future looks bleak for the continuation of an inter-connected system of land management that supports farming and improved environment and biodiversity in the upland commons.

³<https://static1.squarespace.com/static/5d5fcdc672b2a400016bf1bb/t/63989eb2cb6503509f414967/1670946486489/Our+Common+Cause+-+Social+Cohesion+report+Harriet+and+Rob+Fraser-compressed.pdf>

Social Cohesion Report: Areas to focus on going forwards:

1 Relationships There is a need for improvement at every level. This may include revisiting previous projects that have had positive results, with a strategy for avoiding short-term fixes; mediation when there are problems between commoners and/or stakeholders; opportunities for commoners to come together and get to know one another better; opportunities for knowledge sharing between different users etc.

2 Equality There is a need to work towards equality and the resolution of imbalance of power through establishing systems that support the expression of multiple viewpoints, and resist a 'top down' approach to decision making.

3 Education There is a need to improve awareness and understanding at every level. This includes knowledge sharing between specialisms (e.g. farming, ecology, peatland expertise, policy); training opportunities; and an increase in opportunities for the 'general public' to learn more about what farmers do and what's involved in commoning (which in turn helps to explain the provision of 'public goods' and the role of farming within that).

These above three points relate most closely to the recommendations that this study will make; actions and suggestions based on these are made in conclusion on page 33. The following points fall within the wider scope of the Our Common Cause project.

4 Monitoring: Improving environmental monitoring and assessment of outcomes.

5 Financial resilience: Improvement to design and delivery of payment system.

6 Clear boundaries: Addressing issues of land registration, fencing, farm sizes.

7 Sufficient and properly remunerated labour and financial provision for training: Training/Financing to allow for freelance shepherds/workers; and to acknowledge time spent by farmers at meetings with stakeholders.

Food Production

4.3. As the National Food Strategy reported food production in the uplands is not materially significant to delivering UK food security. This conclusion is confirmed for Dartmoor by our analysis using Defra National Park data (2021 figures) and AHDB data (2002 figures).

4.4. Sheep meat production in the UK in 2022 was 275,800 tonnes.⁴ In 2021 there were approximately 89,000 lambs under one year in Dartmoor. Assuming 25% are kept for replacements then 66,750 lambs go for slaughter and at an average carcass weight of 20kg this results in 1,300 tonnes of sheep meat from Dartmoor annually which equates to 0.4% of the total UK sheep meat production.

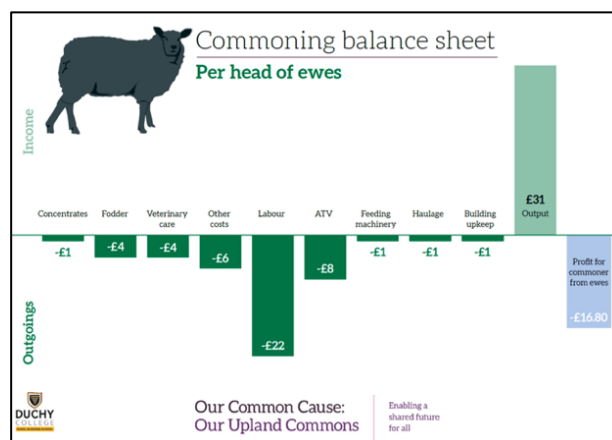
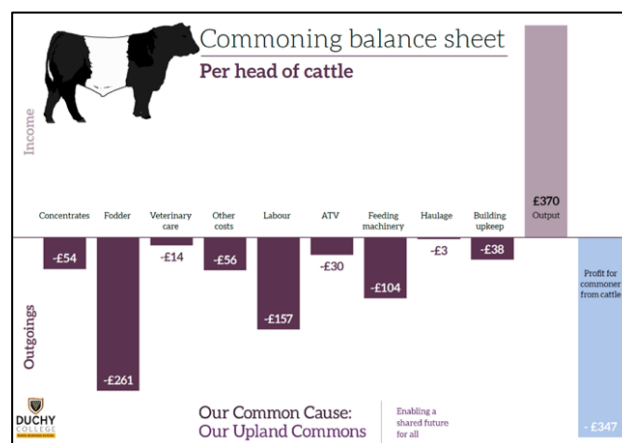
⁴ <https://ahdb.org.uk/news/2022-uk-sheep-meat-production>

4.5. Beef production in the UK in 2022 was 906,000 tonnes. In Dartmoor there are 14,328 calves under one year in 2021. Assuming 80% are sold finished at an average carcass weight of 300 kg the production from Dartmoor is approximately 3,224 tonnes of Beef produced each year.⁵ (In practice a proportion will be sold as stores. Dartmoor production is approximately 0.4% of UK beef production.

4.6. To provide some context Dartmoor National Park Authority extends to 95,575 ha and the Utilised Agricultural Area of the UK is approximately 17.5 million ha so Dartmoor is approximately 0.5% of the UK land used for agriculture which includes all grazing and arable land.

The Economics of Hill Farming and linkage to Delivery of Public Benefits

4.7. Economics of Livestock Grazing on Dartmoor Commons. As part of Our Upland Commons we are undertaking research supported by Duchy College into the economics of cattle, pony and sheep grazing on Dartmoor. Below are the Year 1 results which conclude the net annual loss per cow is £347 and the net annual loss per ewe is £16.80.



⁵ [https://ahdb.org.uk/news/uk-beef-production-up-on-2021#:~:text=This%20brings%20total%20production%20for,year%20average%20\(%2D0.2%25\).](https://ahdb.org.uk/news/uk-beef-production-up-on-2021#:~:text=This%20brings%20total%20production%20for,year%20average%20(%2D0.2%25).)

- 4.8. In addition to the economics of the farm business it is important to consider how the money from a farm is spent and its impact on the local economy. Research into the impact of the loss of BPS was undertaken by the Countryside and Communities Research Institute (CCRI) with FCL's Chair of Trustees, Chris Short as a lead researcher. Over £440 million is expected to be lost to the SW economy as BPS is phased out.⁶
- 4.9. What is of significant concern is that delivering sustainable pastoral grazing is costly and modelling has shown that farm business income is anticipated to decline over the next four years as BPS is completely phased out and ELM income is not expected to fully compensate for this loss. The uplands are at significant risk because hill farms are in many cases already 'maxed' out on Countryside Stewardship or HLS and so ELM has less to offer than to farms who have not embraced agri-environment in the past. You cannot be paid twice for delivering the same benefits. What is important to consider is if the payment rates appropriately reward our expectations of the multiple benefits we expect from Dartmoor and similar protected landscapes.
- 4.10. Defra are continuing to review ELM figures and we have yet to have the future ELM moorland payments published so there remains considerable uncertainty as to future viability. What is certainly the case is if an agreement cannot be reached on grazing levels and management on Dartmoor Commons the future financial viability for hill farms is poor as the common makes up a substantial part of a Dartmoor farm's total grazing area.
- 4.11. While many would agree that changes in grazing practices are required to ensure better management of the vegetation on Dartmoor what is not clear is if there is a political will to create the correct incentives and framework for the multiple demands from these sites. Society's expectation is for farmers to deliver nature, climate, access, archaeology, water and cultural landscape as well as food. This will not happen with a technocratic approach focusing only on a subset of these outcomes.

⁶ <https://heartofswlep.co.uk/understanding-our-economy/rural-economy/>