

Hello it's me again, but then I'm not a certain golfer advertising on T.V., I'm an owd bird from Calderdale charged with the task of trying to find something interesting to say.

It seems to have been a busy time since the last newsletter and a lot has been happening, I now realise that we are making inroads with Defra and we are being consulted and invited to attend all kinds of meetings and seminars, our Chairwoman is the one who usually attends on your behalf, sometimes accompanied by me. After all two heads are better than one even if they are only turnip heads. That's enough of my ramblings for now, so here goes down to business. - Administrator

**National Common Land Stakeholder Group, meeting 10<sup>th</sup> December, Defra, London.**

### **Updating Commons Registers**

The timetable for the implementation of the Commons Act, 2006, has been delayed by 6 months, It will be implemented in 3 stages across England on a region to region basis, so Yorkshire's turn will begin in October 2012. There will be pilot schemes running elsewhere, beginning this year.

**A commoner or landowner will be able to apply to register new rights of common or vary an existing right.**

It should ensure the registers become and remain a true record of the rights of common exercisable over the land, There should be greater certainty in future about how the land and rights can be managed and protected by commoners and their associations. Errors made by the registration authorities and under the 1965 Act, should be able to be corrected. There is also provision for protection against unlawful works.

There are plans for commoners to make a declaration of rights before going into a scheme, so there is certainty about who has what rights.

### **Commons Councils.**

Non statutory groups rather than full blown commons councils are preferred. The present voluntary associations should if the leadership is there, provide the commoners with a voice. Where there is a shooting element, the

commons association will need to be sure it asserts itself, as the agent will generally represent the land owner. Natural England will do what they can to see fair play. There is much concern now about under grazing, whereas when commons councils were first mooted, it was another story.

### **SPS and Common Land**

Both active and inactive commoners being able to claim SPS could be reviewed for the 2012 round but not in the forthcoming health check.

### **Agri-environment schemes and common land.**

Schemes are important to Defra so that they meet their targets. Why is common land excluded from the Organic ELS?

### **Upland ELS and Common Land**

Still working for the present HFA to be replaced by the Uplands ELS from 2010. Confirmed it would not be a competitive scheme, there is a limited pot of money. An active Commoners Association needs to be formed, **as the money will be paid to the one named person on the common, normally the sole signatory for the ELS or HLS scheme. Get your common in order, use your vote. Money will only be paid on SDA land.**

**Entering the new HLS is totally different from entering the old CSS scheme. The commoners must be seen to be represented.**

### **Climate Change Upland Management Conference, Losehill, Derbyshire.**

The way forward? 2007's agenda included:-

Carbon budgets of up-land peat - is peat the new black gold?  
Defra soil strategy for England - Peat programme  
Land managers as carbon managers  
Heavy metal flux from upland peat

Restoration and carbon trading opportunities.

**The Federation is invited to the 2008 meeting**

### **Defra/Sheep Industry**

**In England Defra fails to match Scotland and Wales welfare and disposal schemes even though they could have EU aid and approval/**

**FWAG meeting, Leeming Bar, January 24<sup>th</sup>.**

**17% of farmers in Holland run their own enterprises, under EU regulations, but not strangled by the regulation monster Natural England has grown into, They generate their own electricity, market their lambs together, they are highly successful resourceful farmers, farming with the environment, happy that they are in control of their own destiny. Their secret is they are forward thinking and the past is behind them. Food for thought.**

**Finally**

**This years AGM will be advertised in the press. It is to be held on the 5<sup>th</sup> June at the Dales Countryside Museum, Hawes. Please come to hear Marian Jenner speak on the latest on the UELS and Commons Councils;**

**Happy 2008 to all members**

*Sue Ridley*

**Chairwoman.**

**Environmental Stewardship Scheme**

The following information has been supplied by James Hodgson, son of David one of our committee members. James works for Natural England.

**Natural England are encouraging farmers to join the 4,000 farmers and landowners in the Yorkshire and Humber region who have already joined the Environmental Stewardship (ES) scheme.**

Since its launch in 2005 over 4,000 farmers and landowners in the Yorkshire and the Humber region have joined the ES scheme. ES is an agri-environment scheme which provides funding to farmers who deliver effective environmental management on their land. ES includes Entry Level Stewardship (ELS) which is open to all farmers and landowners; and Higher Level Stewardship (HLS) which is more

targeted.

HLS targets priority habitats on a farm and seeks to deliver significant environmental gains. HLS has a wide range of management options and payment rates and often involves complex environmental management. HLS includes payments for capital items such as wall restoration.

ELS is a whole farm scheme which gives farmers and landowners access to funding in return for maintaining environmental features on their land. A range of upland options are available with, moorland, rough grazing and management of rush pastures all eligible for payments. Payment rates are up to £30 per hectare, however fields of 15 hectares or more within the Less Favoured Area (LFA) receive £8 per hectare. Where an ELS application is made on common land the applicant must make an additional declaration stating that:

1. All those who are known to have rights over the common have been contacted
2. All known rights holders have consented to the application.
3. All rights holders contacted have agreed that the applicant should act as signatory.

If you are interested in finding out more, or wish to discuss an existing application or agreement then please call the Natural England team of advisers on **08456 024096**

This line is open from **8-30am to 5-30p.m.**

**Monday to Friday.**

Alternatively, you could consider attending a workshop, follow this link for more details - <http://www.naturalengland.org.uk/planning/farmland-wildlife/advice.htm>

**Schemes**

Whilst we are on the topic of schemes may I just say that if a scheme is not working or does not appear to be working for whatever reason, contact your **Field Officer at Natural England** he is there to help and most importantly is more than willing to do so.,

**Seminar on Common Land and Village Greens, held at Cheltenham September 2007.**

The seminar was attended by your chairwoman and myself, there were delegates representing

many organisations and commoners groups from all over the country in attendance. One of the main speakers (in our opinion the best) was Harry Hutchinson the first Chairman of the Cumbria Federation, his subject was **The Challenges Facing an Upland Commoner.**

1. Time
2. Money
3. Outside influence and pressures.

#### **Time.**

“The trouble with the present is that the future isn't what it used to be.” Time is judged in different terms by different groups; the four year business plan, the five year political terms. This is not how the upland commoners think, he thinks in terms of generations, whether that be his breeding plan for his sheep or how the policy change will affect the up and coming generation. He looks forward to seeing his children and grandchildren running the business. He is bedevilled by short term thinking, because the upland commons require long term planning.

Time is short, David Kennard a North Devon sheep farmer and newspaper columnist wrote, “I am one of the last generations of shepherds.” The average age of commoners is almost sixty; a generation is passing with the skills, knowledge and dedication to manage the upland commons system. There are no youngsters coming through. No shepherds, no sheep, no landscape, time is ticking. We have a limited window to redress the balance and make things right

#### **Money.**

To make a profit is an almost insurmountable challenge in today's world. Money has a low priority in an upland commoners psyche. Animal welfare is number one, it has priority over all other matters, affecting private and social life. It costs something to maintain anything; an upland common is no different (one of our nation's most important assets are our hills and uplands) One of our biggest challenges is realising enough for our produce to cover cost of production, let alone take care of the infrastructure. There is a false emphasis on cheap food. The cost is not reflected in the price received, it just does not cover the cost of production. Most upland

commoners now subsidise their farm enterprise by diversification. The new single farm payment is also going to support the farm income. Therefore the cost of production is subsidised twice, once by the producer himself and secondly by the tax payer. Food production is undervalued as is the part played by the people who live and work on and around our upland commons in creating and maintaining the environment and scenery for all to see and enjoy.

#### **Outside Interests**

Much of the outside pressure on our upland commons comes from people who campaign from the twin peaks of prejudice and ignorance. Only in recent years has the profile of commons been raised, change has unbootable taken place and not all of it positive. It ought to be remembered that much negative change has come about as a result of farmers putting government policy into practice and then being pilloried for doing so.

Plans to ease green belt planning restrictions will undoubtedly increase the pressure of public access on our remaining countryside. Upland common land will have to bear more than its fair share due to its appeal and accessibility. The challenge is to raise awareness of the practical commoners' value and also to increase our representation on policy and decision making bodies.

Finally I would like to say like most other upland commoners, consider it a privilege to live and work where we do, We also feel responsible to the next generation to hand on the baton we received from previous generations. The upland commoners' committees share a feeling of being beleaguered but I for one am proud of being a commoner, of what has been achieved and of the community of which I am part.

#### **Subscriptions**

I know I keep banging on about money, but there is a but, without contributions from you as commoners and moorland graziers this Federation will go under.

The financial year runs from the **1st June to 31<sup>st</sup> May** subscriptions are payable immediately in accordance with the constitution, so if you are a member and have not paid for the current financial year a quick solution would be

appreciated. I'm sorry if to have to remind you but without you where would I be? Lost without trace I reckon, seriously I do not receive payment of any kind for the work (if you can call it that) which I do or the miles I travel to meetings etc. The money is spent on postage, printing, stationery, maintaining the web site, and cost of room for the AGM the meeting room for committee meeting costs nothing it is very kindly provided by the Mart at Leyburn cost free. So there you have it, perhaps you don't believe that your ten pounds is value for money, compared with the NFU and the Country Landowners I think it is excellent value, but then I would wouldn't I.? I will attach little reminders to this letter, no offence meant and I hope none taken  
Enough said.

### **Committee**

In accordance with the constitution the committee will stand down at the AGM next year, some members may wish to stand down this year, if this is the case there will be vacancies to be filled, so please give it some thought and don't be shy about putting yourself forward, all that is needed is a proposer and seconder.

Finally I cannot carry on as administrator for ever so there will be a vacancy there too, I am after all rapidly approaching my three score years and ten.

### **Newsletter by e-mail**

In the last newsletter I suggested that a cheaper way to send the newsletter would be by e-mail, I asked for your comments, I had two replies, think I failed.

### **Annual General Meeting**

As our Chairwoman has already mentioned the AGM is due to take place on the **5<sup>th</sup> June**, **please make an effort to attend**, I know it's silage, clipping etc and I also know farmers don't like attending meetings, neither do I but sometimes they are a necessary evil and sometimes there is something of value to be learned.

### **Works on Common Land**

Since October 2007 a new form of consent is required before carrying out restricted works on registered common land. This means works which prevent or impede access to or over common land, may also include fencing, ditches, embankments and building structures, also new solid surfaces such as car parks or access roads. There is no charge for making applications to carry out such works (makes a change!)

The applications are now dealt with the Planning Inspectorate Board in Bristol not Defra. More information available at [http://www.planning-inspectorate.gov.uk/pins/common\\_land/index.htm](http://www.planning-inspectorate.gov.uk/pins/common_land/index.htm).

Works too small to be of significance which fall outside the Act are:

- \* New gates and stiles in existing boundaries
- \* Feed and water troughs
- \* One off temporary fencing for less than **28 days** e.g. temporary pens for sorting sheep provided they are less than 200 square metres enclosed
- \* Temporary shelter for less than **14 days** for animals requiring emergency veterinary treatment and recuperation.

A number of works have been classed as exempt from the need for consent. These relate to

- \* the erection of temporary fences for stock control or nature conservation
- \* vegetation management

The owner of a common may erect a row of obstacles no more than **200 metres in length** to prevent vehicular access to a common.

**Anyone undertaking an exempt work must post a notice on the site and notify the Secretary of State by forwarding a copy of the notice to the Planning Inspectorate.**

Special provisions apply to works on common land owned by the National Trust.

If you need to carry out works on such a common then talk to the Trust and refer to the special guidance note published on the Planning Inspectorate web site.

Be aware that **anyone can take action** against works carried out on a common without the necessary consent. Applications are made to the County Court for the situation to be rectified. Previously only owners were of common land, local authorities or others with an interest in the land could take action against works considered to be illegal.

## Heather Burning -- Richard Spensley

Having spent 2.5 years in conjunction with English Nature as was, Gamekeepers, Moorland Association and others, preparing the Heather Burning Code it has at last been produced. Hopefully some common sense has prevailed and the result, although not every ones ideal, is a workable compromise.

In many cases it is the owner/sporting interest, who undertakes the burning programme, Where environmental schemes and designated moorland are involved, **burning plans are an obligation**, these contain detailed feature identification with areas being classified as **sensitive areas**

On which there is a presumption not to burn, these may be steep slopes, ridges, shallow soils, blanket bog, areas where specific species have been identified. The remainder having a stated rotational burn program in line with code recommendations.

At the outset of these discussions it was accepted that plans where possible should incorporate all parties priority issues, thus as graziers it was felt beneficial to show heft boundaries, so as to avoid all burns in one year being on one heft.

In cases of steep slopes and ridges where a presumption not to burn would be likely to constrict grazing spread, access burns would be an acceptable solution, the same solution would apply to gather lines across blanket bog areas

**If your grazing area is covered by any proposed or active burning plan, it would be advantageous to you to make sure all of these concerns** have been considered within the plan, contact the Natural England Field Officer who covers this, for advice.

**Foundation for Common Land in Britain & Ireland - Andrew Humphries M.B.E.**

### **'We need less spinners and more Weavers'**

Those engaged in communal grazing will realise better than most the challenging times we are expecting, and that change has become the norm. It is equally clear that commons are not an anachronism but are highly relevant to the

twenty first century. However the sustaining of viable grazing activity is the key to both farming communities but also the delivery of public goods for which there is no direct market. At the 2006 Cheltenham Seminar on Common Land, Jim Knight then Minister for Rural Affairs, Landscape and Biodiversity describes pastoral commons as:-

**'Central to our hill farming culture...our single most important wildlife resource,,, our single most important category of open space.'**

That data show that 88% of the commons in England and Wales are in designated areas for landscape and conservation of national and international importance.

Over the last decade or so Commoners have responded to changing circumstances by collaborating in the formation of groups which advocate for and work on behalf of graziers/ The Yorkshire Federation, The Welsh Commons Forum and the Cumbria Federation are examples that have made a difference. The challenge is not only **'to cope with change'** but more importantly **'to shape change'** to **'influence the agenda on common land sustainability.'**

We live in a world of **Spin** but as history in Yorkshire has shown Weavers are perhaps more important and offer more skills in delivering something worthwhile, and that is how we should see common graziers. While we have made progress and a useful contribution to recent changes including the 2006 Commons Act there is a major challenge ahead.

The Foundation is a proposal to establish a network for communication and capacity building, helping to ensure that common grazing continues, but in way that offer real recognition and reward for commoners as **'rights holders.'**

As a scattered community in all corners of the county, the use of an IT linked communication network with additional opportunities for gathering from time to time we should be enabled to function as a national reference point. The Foundation aims to:-

Offer commoners from a very diverse range of situations to share views promote good practice and consider the concerns of all commoners. When consultations are made we can all take

part in gaining a national consensus.

Offer third party shareholders such as National England, Defra and the key independent organisations with an interest in commons a single point through which to consult with commoners on a national basis. Currently there is no single point of contact with commoners.

Promote a wider understanding of commons through education. The DVD which Cumbria developed has been widely appreciated. Many of the 400 copies distributed are used for training purposes.

Commons are an international feature of land use, but ours are particularly important as a year round grazing system. Other areas for example include Semi Reindeer Areas of Norway and Sweden. This summer we expect our third visit from Common Land Researchers from Japan who regard initiatives as very significant.

We have consulted with Commoners across the country and Yorkshire has been represented at discussions. Currently a booklet or prospectus (should be printed by mid March) is being prepared for presentation to all interested parties at gatherings that are planned. We have also established an *'embryo website for further development.'* The potential to make commons a feature of land use that is properly recognised for what it is, rather than an inconvenient add on is clear and that the *'right time is now'*

The thought currently is to establish a Foundation for Common Land in Britain and Ireland. In England and Wales we have 0.52m ha, in Scotland 0.5m ha and in Ireland a further 0.5m ha diverse but with common values and interests. I hope that Yorkshire commoners as a major location of commons will consider and support this initiative.

Remember the Chinese Proverb 'If you don't change direction, you will end up where you are going.' Continuing as we are will make little difference - the challenge is not to cope with change but rather to influence it.

### **Andrew Humphries MBE**

My thanks to Andrew for taking the time in the midst of his very busy schedule to prepare the above.

Did you know that Andrew was responsible for

FWAG?

### **Organic Entry Level Stewardship and Commons**

This was mentioned briefly by Sue but since then I have received a copy of a report written by Mark Bayliss who agreed at the Stakeholder Group meeting held on the 3<sup>rd</sup> December, 2007, to write the report.

"Commons have long been recognised as being important for the delivery of environmental benefits under Agri-environment (A-E) scheme management. It is also accepted that whilst it is relatively easy to determine the appropriate management for a Common it is far harder to thrash out administrative details that are essential for supporting a "legal" binding and workable A-E contract.

Some of these difficulties were overcome under the old A-E schemes (Countryside Stewardship, ESA). In the main this was possible because of the close working relationship between A-E staff and Commoners - a system that has continued within the Higher Level Scheme (HLS). However, there is a lot less "hand-holding" in Entry Level Stewardship (ELS) which means that the pre-application negotiations are dealt with by the Commoners - without any intervention from Natural England (NE). It is the nature of Commons that reaching a workable agreement can be a long and difficult process - even for the relatively simple management commitments of ELS.

ES also includes an Organic strand - Organic Entry Level Stewardship (OELS), The question of how best to accommodate Common Land within OELS was considered during development of ES. At that stage it was felt that the demands for organic registration would clearly add a further level of complexity to applying for Es - effectively acting as a barrier to entry. As a consequence Commons were specifically excluded from entry into OELS and the decision was included in both the ERDP and the RDPE programme modification.

It has since emerged that although organic registration of Common Land is time-consuming and relatively complex (compared with other types of farm land) it is not impossible. It is therefore appropriate that we take another look at the policy decision regarding OELS on

Common Land. However, incorporating Common Land into OELS would not be straight forward - it would require a change to the RDPE programme, the relevant IT support, revised Statutory Instrument, re-assessment of income foregone, revised guidance scheme literature. It is not something that can be undertaken lightly. As a first step we are gathering information about the area of Common Land that has been registered as organic by Organic Inspection Bodies“.

### **The end is nigh**

Funny sub-heading don't you think ? Well I had to think of something to wrap this epistle up, I know it is late but I hung on hoping to find something “very up to date” to report, I think I may have failed again.

As I have room I though, I would remind you who the current committee are and how they can be contacted, you can give them your subscription if you haven't already paid and I will send you a receipt in the next newsletter, I know I'm being tight but postage goes up again in April, and I am very conscious that it is your money I am spending.

Chairwoman - Sue Ridley, Kexwith, Richmond  
**01833 621449**  
Vice Chairman Herbert Tindall Danby, Whitby,  
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Richard Spensley, Castle Bolton, **01969 622398**  
Robert Ventress, Littlebeck, **01947 810273**  
Clive Welford, Scaling, **01287 642840**

Finally, I have changed my e-mail address to  
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2 Woodland Dell  
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W. Yorkshire.**

Think I've filled all the space or nearly all the space now so I'll shut up and be off to the

printers, but only when it stops raining, windscreen wipers have packed up.

Don't be too depressed after reading this letter, there is hope out there if we all pull together. Oh, I'm such a liar!!