

Federation of Cumbria Commoners

Affiliated with Lancashire & Northumberland

Newsletter, Summer 2018



Looking forward,

Well the extremes in our weather has taken another twist with the hottest spell of weather that we have seen since the summer of 1976, which is going to have implications over the next few months and over the winter, with shortage and cost of buying in crop. Talking to farmers from other parts of the country, it seems that the rain started first in Cumbria after the weeks of dry weather, which we have to be pleased about as we now have got nice green fields back again.

The work of the Federation continues to be extremely challenging with all the different bodies putting ideas forward on how they would like to see Brexit look, after it happens. We are still progressing with Commons Council. We have had some delays, but we are committed to make it happen.

The problem of late payments is ever challenging, but I can assure you all that we keep reminding RPA of their responsibilities to pay by the due date.

I must on behalf of myself, and the Federation committee, thank Viv for all the hard work she does on our and your behalf, anything to do with commons is

complicated. Viv just deals with each issue as it arrives, with great thought and understanding, and keeps the committee up to speed with what is going on.

If anyone would like to become a Federation committee member we would be glad to hear from you. We only have about four meetings a year, plus an AGM the rest is done by email.

Joe Relph, Chairman

An update on the Commons Council for Cumbria with Northumberland

We are nearly there! Thirty one commoners' associations covering a massive 65,000 hectares want to be part of the commons council. However our proposed timetable has had to slip by six months for two main reasons.

First, for the last year we have worked closely with Defra on drafting the Establishment Order. Unfortunately, the member of staff we were working with decided to take early retirement and left in May. Defra has since filled his position, but it will take some time before the new person is up to speed. Second, now we know which commoners' associations want to join the council, we have to make sure that the owners of these commons are in agreement too. Liam McAleese of the Lake District National Park is helping us with this and is championing the commons council among common land owners. A meeting is planned in early October at Lowther Estates with the aim to increase owners' understanding of how the commons council will operate and to consider owner representation on the council. We will be there to assist. If you are a common land owner and would like to attend, please get in touch.

Our new adjusted timetable is as follows:

- Late Autumn 2018 Defra holds a public consultation on the Establishment Order
- If the consultation demonstrates there is substantial support for the council, the order will be laid before Parliament in early 2019
- Establishment Order signed off by the Secretary of State, April 2019
- Elections for members of the Council, Summer 2019
- 1st council meeting, Autumn 2019

Thank you for your patience and we will keep you informed of progress.

Common Thinking

Every now and then we ask one of our committee members to write about a topical issue on commons. In this article below Will Rawling, Chairman of Kinniside Commoners' Association stresses the importance of continued collaborative working in the fells and uplands

The whole situation around Brexit and the shape of our farming future becomes more and more confusing by the day. However it is very obvious that the country needs a strong and stable farming community in the fells and uplands to deliver, whatever, it turns out to be.

The strong working relationship between farmers on the commons and other open grazings is a vital part of what makes the landscapes of the uplands what they are. We all know this and the need to continue working together is more important than ever.

Even though the current support payments often mean that some shepherds, for different reasons, choose to change the management of their flocks, we still need to stick together.

This is because future support is likely to reward commons that maintain their traditional working practices, alongside environmental management. This is what we already do, and it makes sense anyway.

We know that the numbers of both sheep and often the people looking after them, have fallen, and sometimes this can make the common more difficult to manage. Now we need to hold on to what we have got, and equally important be part of future discussion and management of our common.

Working with the other graziers from your own common and often the adjoining commons, is more important than ever. Retaining hefting systems and stocking balance requires everyone to pull together. If we lose what remains of it, can we get it back?

We owe it to future generations to leave things in good shape and we can have the most influence if we practice what we preach. The Federation and maybe a Commons Council gives us the opportunity to speak with a united voice. Let us all work together to hopefully keep it working the way it should.

The work of the Federation — your voice on the fell and in national and local meetings

In these uncertain times we are trying to highlight the immediate concerns of commoners to the authorities. We also are trying to influence the future.

RPA: a tale of two parts

Along with our colleagues at the Foundation for Common Land, NFU, CLA and other farming organisations we have continued to press home to the RPA, Defra Ministers and senior civil servants the need for timely, accurate payments to farmers as these provide financial stability. Late payments mean farmers may be forced to sell stock and/or seek short-term loans (if available) to pay their bills, while business plans and cash flow forecasts go out of the window. Given we have had a long dry summer this money is even more needed on the farm to help deal with dry weather conditions. Everybody knows there is a problem, but we don't seem to make much headway. Why?

One reason is that the RPA does meet its main target of paying 90% of customers by 31st December. This is to be welcomed. But achieving this target should be the bare minimum. And here's the rub. It doesn't seem that the RPA has a target for paying the remaining 10%. Of course they say they try to deliver as many of these remaining payments as early as possible. They also provide a safety net of sorts. In theory, those who haven't received a payment by the end of March will be issued a Bridging Payment in early April. But that's too late. If the RPA really does want to reduce the hardship, stress and worry caused by late payments, then at a very minimum they should make bridging payments in January.

BPS 2017 on commons the facts:

- In 2017, 3,834 farmers claimed BPS on common land. By the end of June this year (2018), 96 still hadn't been paid. RPA say they have slightly improved their performance on previous years.
- By the end of June (2018), RPA received 1,206 queries about incorrect payment on commons— 31% of the total number of claims on commons
- Communications with RPA and their complaints handling service remain poor. It takes RPA around 78 working days to close a complaint.

Granted the RPA has slightly improved its performance from last year, but this gives no comfort to farmers still waiting to be paid, or believing they have been paid the wrong amount.

Late ELS/HLS payments too....

To add insult to injury the ELS/ HLS 2017 payments have fared no better. Farmers should receive 2 payments a year, known as Advanced (75%) and Final (25%) payment. Apparently, the end of June 2018 deadline was missed due to staff being assigned to make improvements to Countryside Stewardship. We have been told that 95% of Agreement Holders will be paid their advance payment by 15th August 2018 and 98% will be paid their final payment by 15th October 2018.

More whammies? RPA to take over administering agri-environment schemes

In March 2018 Defra announced that administration of Countryside Stewardship (CS) and Environmental Stewardship (ES) was being transferred from Natural England to the Rural Payments Agency. Some staff at Natural England who have worked on CS and ES will reportedly be transferred to the RPA. The reason given is that this streamlining and simplification will enable improvements in the delivery of payments. Given the RPA's history of problems with paying on time, it's hard to be optimistic that things will improve.

And then there's Brexit

Leaving the European Union and CAP should create an opportunity for significant reform to the way in which farmers are paid. The Government has stated that farmers will receive the "same cash funds" as they did under CAP until the end of the present Parliament. They will also receive guaranteed payments during the transition period. However, it is not yet clear what kind of payment system will be introduced after the agricultural transition, how it will be administered, or the precise role of the RPA under a new scheme.

Extending HLS schemes on commons for 5 years – may be a possibility

In April we wrote to George Eustice MP, Minister for Agriculture requesting that Defra seeks a mechanism to extend HLS agreements until new post EU exit schemes are available. We also sent a copy of the letter to Cumbrian MPs, four of whom got back saying they support the idea and would be writing to George Eustice.

We hear on the grapevine that there appears to be some positive progress on HLS replication (apparently Defra's term for an extension) though the final say will be with the EU. Unfortunately the roll over will not apply to those seeking a 1st Jan 2019 start date, but may be possible for HLS agreements that end in 2019 onwards.

However, we are not sure if all schemes will automatically roll on, or if it will be discretionary and Countryside Stewardship will continue in parallel.

RPA is remapping common land

The government was fined by the EU (known as disallowance) as a result of a recent EU audit that found areas of common land which had been claimed as eligible, were in fact, ineligible. To reduce the likelihood of being fined again the RPA is undertaking a programme of remapping and inspecting common land so they can classify more accurately areas of ineligibility – such as thick bracken, scrub and rock. For the purpose of common land, heather is considered eligible and is mapped as grassland

How they collect the data

The survey data is collected in two ways: in the field (physical inspections) and by satellites (remote sensing inspections). The scale of the job is large. In England there are 9,807 parcels across 1,460 distinct commons totalling 383,685 ha. 84% are in disadvantaged areas (this makes physical inspections more challenging) and according to the Ordinance Survey 351,862 ha contain some scrub/heath and need detailed classifying.

The weather has been good this year. All the remote sensing inspections have been collected and 600 commons have also been physically inspected. The information is sent to digitisers who turn the real world into digitised maps. In theory, the new maps will be more accurate. This is welcome, but we do have some concerns about the criteria RPA are using to consider when bracken, scrub and trees with understorey grazing are eligible, and when they are not. For example, RPA's definition of Ungrazeable Bracken is where "the density of growth is sufficient to prevent grazing or where, particularly in the case of bracken, the associated litter constitutes an impermeable layer smothering other vegetation." The definition makes sense, but may require some judgement at times. Also in dry weather bracken can act as an effective shade for grass and may have provided some much valued grazing this year. RPA say they will take a pragmatic approach based on a mixture of formal guidance and practical local knowledge. Let's hope so!

What to do if you don't agree

We are told that RPA plans to let commoners know the results of their mapping review from the middle of August onwards. If the area of your common has changed, RPA say they will write to all the graziers who claim BPS on that common, and Natural England will communicate with the agri-environment agreement holder

(usually the commoners' association). If you do not agree with the changes, or want to check their calculations you should request to see the maps. RPA will supply them by e-mail in Pdf form (their preferred option), or exceptionally in paper format. RPA are asking graziers to review these maps collectively and then make a single response to RPA through the Chairman or Secretary of the commoners' association.

This remapping exercise is creating a large volume of work for RPA and we are concerned that it could delay payments. They reassure us that they are managing the work to avoid negative impact. Time will tell.

Finally, for those of you who are wondering what happened to our efforts last year to get maps for commons where there was a significant reduction between the measured area for SPS and BPS 2016. We did eventually get maps out of the RPA and sent them to the commoner's associations involved. Then we were told that these maps would be out-of-date due to the new remapping exercise!

But every cloud has a silver lining, RPA have now agreed to make these maps available as a matter of course to commoners. This wasn't the case before. Our efforts have played a significant part in them taking this decision.

Cancelled 2018 AGM

Unfortunately for the first time ever we had to cancel our AGM scheduled for 2nd March 2018, due to bad weather. The "Beast from the East" meant that our speakers couldn't get to Cumbria on the train and a number of our committee members were snowed in on the day. According to our constitution we should hold an annual general meeting "every year within the months of February or March." This proved impossible. Our invited speakers could not come back at such short notice and the weather remained inclement.

We would like to apologise to our members for not holding an AGM. We will use this edition of the newsletter give our members a brief account of our work in 2017 (the equivalent of the Chairman's report) and our abbreviated accounts.

The work of the Federation in 2017

We work at all levels from the grass roots to the corridors of power

The list below covers our major activities for the year:

1. Sent our position paper on Brexit: "Keep Cumbria's Commoners Commoning" to ministers, MPs, senior civil servants and met with local MPs to discuss the paper. We received a good reception to paper.
2. Continued working with Defra to set up a Commons Council for Cumbria

with Northumberland

3. Worked with RPA to try and solve mapping errors on commons.
4. Continue to keep up the pressure on RPA for timely and accurate delivery of BPS payments on commons through presenting cases of late payments on commons to the RPA National Commons Stakeholder Group (we are members). Sent letters to Ministers, MPs and articles in the local press and to keep this on the top of politician's minds. Called to speed up Minchinhampton compensation payments
5. After seeking the view of local commoners, we objected to the Lake District National Park Authority leasing Glenridding common to John Muir Trust (JMT). We didn't manage to stop this happening, but made our point and we will work with JMT to commons-proof their management plans.
6. Worked with NFU and others on livestock regulations/movements on and off commons calling for a pragmatic solution that permits batch recording
7. Joined the Lake District National Park Partnership and Cumbria Catchment Pioneer to steer the development and pilot a post-CAP universal scheme in Cumbria.
8. Campaigned with local and national organisations to stop the Ministry of Defence deregistering Hilton, Murton and Warcop fells. This would be the largest enclosure since the major enclosures of commons in the eighteenth and early nineteenth centuries.
9. Immensely proud that the work of past and present hill farmers and shepherds has been recognised of international importance by UNESCO and the Lake District is now a World Heritage Site
10. Supported Mervyn Edwards to undertake mapping of hefts in the Lake District. This is now complete and a very useful resource.
11. Collaborated and shared information with the Foundation for Common Land, Dartmoor Commoners' Council, Federation of Yorkshire Commoners and other commoners so we can better influence the people who actually have the power to make decisions that affect commons and commoners
12. Produced 2 newsletters and kept our website up-to-date

Pauline Blair stepped down from the committee last year and the Chairman and Committee would like thank her for her commitment, time, effort and dedication to

the commoners of Cumbria over the years.

The current members of the committee are listed at the back of this newsletter. We are always looking for new committee members, so if you are interested in joining us please get in touch with our Chairman, Joe Relfh.

Income & Expenditure for Year Ended 31 December 2017

	2017		2016	
	£	£	£	£
Income				
Subscriptions		9,953		10,503
Expenses				
Newsletter	1,460		1,309	
Administrator	8,320		7,680	
AGM	459		771	
Committee costs	177		-	
Cumbria				
commons council	1,101		574	
Brexit paper	1,000			
LDNPA contract work	-		2,311	
Depreciation	9		11	
		(12,960)		(13,072)
Net deficit		(3,007)		(2,559)

Balance Sheet for Year Ended 31 December 2017

	2017		2016	
	£	£	£	£
Fixes Assets				
Tangible assets		36		43
Current Assets				
Debtors	735		2,890	
Cash at bank	24,007		24,836	
	<u>24,742</u>		<u>27,726</u>	
Current liabilities			-	
Accruals	(430)		(416)	
Net current assets		<u>24,312</u>		<u>27,310</u>
Net assets		<u>24,348</u>		<u>27,335</u>
Financed by:				
Reserves				
As at 1 Jan 2017		27,335		29,924
Deficit for year		<u>(3,007)</u>		<u>(2,569)</u>
		24,348		27,335

General Data Protection Regulations (GDPR)

At the Federation of Cumbria Commoners we view data protection seriously and take all reasonable steps to ensure that your information is safe and accurate at all times. This short article explains why we collect information from you, what information we need, how we use it and keep it safe.

We collect information about individual people who are members of the Federation. We may collect and process the following personal information:

- Your name
- Contact information including e-mail address and telephone numbers
- Details about which commoners' association you belong to
- Information contained in emails or other correspondence from you

We use the information we hold about you to carry out the activities of the Federation. In particular to:

- To communicate with you from time to time via this newsletter and occasionally by phone and e-mail

In order to carry out our activities we may pass personal information on to:

- The Farmer Network who help us with the distribution of this newsletter (addressing, stuffing and franking the envelopes).
- Where we are legally required to do so – for example by a law enforcement agency legitimately exercising its powers, or if compelled by an order of a court.
- Occasionally we give out the name of the Chairman of a commoners' associations to Government agencies, NGOs and outdoor event organisers who need to inform the Association about activities on their common. (More often than not we refer them to the Shepherd's Guide)

We will never sell your information to other organisations.

By giving us your personal information, or if you have given it to us in the past, you give your consent to the collection, storage processing and use of your personal information by us described above. If your personal details change, please help us to keep your information up to date by notifying us at viv@cumbriacommoners.org.uk telephone 07748185049. You have the right to: access, make changes or ask us to stop using your data; view, amend or delete the personal information that we hold about you. Please apply in writing to: The Administrator, Federation of Cumbria Commoners.

Public Enquiry to hear MOD's attempt to deregister Hilton, Murton, Burton and Warcop Fells

Cumbria County Council as Commons Registration Authority has decided to hold a Public Inquiry to consider the applications made by The Secretary of State for Defence to deregister Hilton, Murton, Burton and Warcop commons. The council has appointed Alan Evans from Kings Chambers, Leeds to conduct the Inquiry. It will open at Kendal County Hall, Busher Walk, Kendal LA9 4RQ at 10 am on 13th September 2018. The Inquiry is due to close on 14th September 2018. Anyone can attend the Inquiry.

This is a rather long, complex, confusing and tortuous story. In essence the MoD are saying that because all the commons rights were extinguished by a Vesting deed on 31st March 2003 the land then ceased to be common land and they want it to be removed from the Register. This goes against the undertaking they made in 2001 when they agreed that the land at Hilton, Murton and Warcop Fell would be reinstated as a common if Warcop Training Area ever ceased to be used for military training.

Needless to say the Federation are very much opposed to the deregistration of common land. The stock of common land is important to hill farmers and the nation as a whole. It should not be reduced. We also believe that this whole exercise is a waste of public money. The MoD can secure its training needs without deregistering the common land at Warcop Training Area.

The Inspector says that the main issues in this case centre on questions of law and anybody who wants to address the inquiry should submit a skeleton argument in advance. This is a bit daunting for us and we aren't experts in the law. We have sent in a skeleton argument supporting the objections made by the Open Spaces Society (who are employing a barrister to speak at the Inquiry), the Foundation for Commons Land and the Friends of the Lake District. We also ask the Inspector to consider the wider argument that common land is a precious resource for the benefit of all and should not be reduced. We plan to attend the inquiry but do not expect to speak at it. If other commoners are able to attend it would, please do as it shows that commoners care about common land.

If you wish to read our skeleton argument it is on our website see http://www.cumbriacommoners.org.uk/files/skeleton_argument_on_behalf_of_the_federation_if_cumbria_commoners_10-08-18_.pdf

The future of agricultural support: New Environmental Land Management Schemes (NELMS)

We haven't had much detail yet about what the New Environmental Land Management schemes may look like. This is what we know so far:

- The government has pledged to continue to commit the same cash total in funds for farm support until the end of this parliament, expected in 2022: this includes all funding provided for farm support under both Pillar 1 and Pillar 2 of the current CAP. BPS payments (Pillar 1) will be with us in 2019, but will be phased out.

- The new scheme will focus on the delivery of public goods as set out in the 25 year Environment Plan and based on Natural Capital principles. (Natural capital is the country's stocks of natural assets which include geology, soil, air, water and all living things.)
- Defra will conduct tests and trials to build an evidence base on what works and what doesn't, but Ministers will make the ultimate decisions as to the scheme we get
- Defra will pilot the new scheme before they launch it
- Currently they favour a plan-based approach for farmers, land managers and users of the new scheme

Commons proofing tool for New Environmental Land Management schemes

We have submitted a proposal to Defra to develop and test a commons-proofing tool that scrutinises NELMS design and delivery so that new schemes enhance rather than undermine traditional fell farming. Proofing is a well know mechanism by which policies are assessed for their likely impact on a particular area, population or sector. As far as we are aware past agri-environment schemes have not been proofed for their impact on commoning leading to negative consequences.

More often than not each round of agri-environment schemes on commons has asked for progressive decreases in stocking levels and more off-wintering. As a result, sheep are less well hefted and shepherding has become increasingly time consuming at a time when the number of full time commoners is declining. On some commons we are getting to a critical threshold of livestock and shepherds below which collaborative management and hefting could break down.

If our proposal is successful we will work with commoners' associations, commons councils and breed societies throughout England with the support of national organisations including the Foundation for Common Land, National Sheep Association and the Tenant Farmers Association. Our tool will help scheme designers to understand of the impacts of NELMS design on commoning and minimise negative impacts.

“From Hill to Sea” trial of a new scheme

Farming, environmental, and rural organisations and public agencies in Cumbria, including the Federation, are working together to develop ideas for future farming

support schemes after the UK exits the EU. The group is now working with Defra on a proposal for tests and trials in Cumbria of potential new approaches to an Environmental Land Management Scheme. Some of the areas the Cumbria partners group are considering in its proposal with Defra are:

- Testing schemes will work across the full range of land tenures, particularly commons
- Testing how public payments can be made for farmers delivering public goods
- Connecting action across individual farms to deliver wider landscape benefits.

The Cumbria partners aim is that testing and trialling in Cumbria will help shape national policy to support a positive future for farming and the environment in Cumbria. We will share further details in future newsletters as the proposal develops.

Extension to payment by results trial in the Yorkshire Dales

Defra has announced that government will fund a two-year extension to the payments by results trial. Initially the trial was part of a European project that started in 2016.

The trial is paying farmers in two areas - Norfolk and Suffolk in the East of England and Wensleydale in Yorkshire - for work that is specifically tailored to deliver environmental outcomes. In Wensleydale the scheme focuses on managing species-rich meadows. Payments are then linked to delivering a good mix of species on the ground. This Defra funding allows a couple more years of testing to learn lessons relevant to future scheme development post-Brexit where government, not Europe, set all the rules and design the scheme.

We look forward to learning from the payment by results trial to find a way of delivering a simpler more flexible scheme that delivers for the environment as part of a productive farm

Our Common Cause – our upland commons project

This new project led by the Foundation for Common Land on behalf of a broad partnership of organisations will look at ways to make commons more relevant to 21st century life. The overall goal is to enable those managing commons to do so more effectively.

It will support owners and commoners in managing their commons to safeguard the history, biodiversity and wildlife that depends on the common; look at ways to make commoning more viable for future generations and help people and visitors discover

and enjoy them.

The partnership has funding from the Heritage Lottery Fund to develop a £2.7million scheme covering 12 commons across the Yorkshire Dales, the Lake District (Bampton, Derwent and Kinniside), the Shropshire hills and Dartmoor. It is hoped is that these 12 sites will be just the start of a commons revival across England.

Viv Lewis and Jenny Willis are working as Area Facilitators in Cumbria. You can contact Viv on 07748185049 and Jenny on 07775 770190

Lake District sheep farming adapting to change - a new report by Mervyn Edwards

Mervyn Edwards has written a thoughtful and interesting reflection on his many happy years of working as a 'Ministry' (of Agriculture) adviser with sheep farmers in the Lake District. His report gives the reader a brief history of sheep farming, commons and the way of life of the fell farmer. It documents the policy changes (not always positive) he has encountered over his working years and disasters like Foot and Mouth Disease.

Mervyn is concerned for the future of traditional fell sheep farming as there are declining numbers of sheep farmers, partly as a consequence of a succession of national agri-environment schemes that are unable to take account of the particularities of fell sheep farming using common land.

On the positive side fell sheep farming in the Lake District is still a major farming enterprise and the 'heart' of the hefting system survives. But it needs nurturing and a more rounded approach is required by government agencies in the application of agri-environment schemes.

Mervyn concludes that the recent designation of the Lake District World Heritage Site provides a great opportunity to focus all those bodies and leading individuals with an interest in Lake District fell sheep farming to develop a local strategy to meet the requirements of the designation. You can find his report on our website

<http://www.cumbriacommoners.org.uk/lake-district-sheep-farming-adapting-change-new-report>

Last year (2017) Mervyn identified and recorded the location of hefted flocks grazing on common land and freehold fells in the Lake District National Park during the year ending March 2017. This represents a 'snapshot in time'. He also recorded the breeds of sheep kept in the flocks and changes that have occurred over the last 25 years or so (since 1990). See <http://www.cumbriacommoners.org.uk/hefted-flock-project-lake-district-commons-and-freehold-fells> to read his report.

Federation of Cumbria Commoners Committee

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Vice Chair	Jim Campbell	Non-regional	01931 713412
Committee			
John Atkinson		Lakes South West	01229 885663
Ernest Coulthard		Kirkby Stephen	01768 371942
Harry Hutchinson		Howgills	01539 620635
Carl Walters		Lakes North Central	01931 713248
Duncan Ellwood		Lakes West	01946 841344
John Rowland		Lakes North	01768 779246
Dave Smith (Treasurer)		Eastern Fells	017683 61333
Mark Jenkinson		Crosby	01768 371405
Will Rawling		Non-regional	019468 22878
William Steele		Non-regional	01786 341436
Ian Gorst		Lancashire co-opted	01524 770509
Charles Raine		Northumberland co-opted	01434 609000
Robert Benson		Owner Rep co-opted	017684 86807
John Turner		Owner Rep co-opted	01931 712671
Julia Aglionby		Co-opted	07702 100111
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