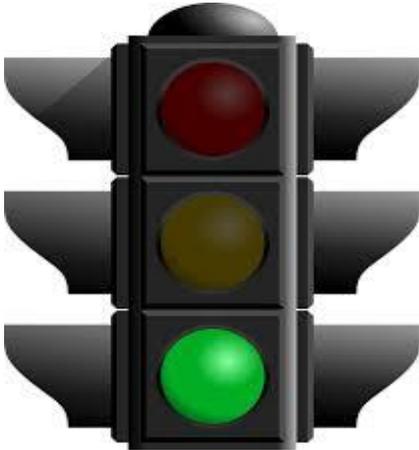


Affiliated with Lancashire & Northumberland

Newsletter Winter 2017/Spring 2018



Go-ahead for a Commons Council for Cumbria with Northumberland

Looking forward,

Well here we are at the start of another year, but the weather has carried on with its cold wet theme from last year, which as we know are the worst type of conditions for keeping flesh on ewes and I feel sure that feeding has had to start much sooner than you would like.

The Federation has been busy on your behalf trying to make progress on ironing out mapping errors and late BPS payment issues. It seems to be such a long process to make any progress and we do realise what a worry it is to your cash flow, so we are always on the case.

THE FEDERATION'S BIG CHALLENGE IN THE NEXT FEW MONTHS IS TO MAKE COMMONERS REALISE THAT YOU HAVE ONE CHANCE TO CREATE A COMMONS COUNCIL AND THAT TIME IS HERE NOW.

Defra is working with us to form a commons council for Cumbria with Northumberland, which will give commoners more security and legal teeth. It has to be right, do not miss this once in a lifetime opportunity.

In this newsletter, we once again tell you why we think it's important to create a commons council for Cumbria with Northumberland. We tell you what it will look like and which commoners' associations are ready to join. If your commoners' association isn't on the list and you think it should be, talk to your Chairman and fellow commoners and talk to us.

We will be holding two more meetings to discuss commons councils on

Tuesday 20th February, Room LD005, Langdale Building, University of Cumbria, Ambleside LA22 9BB. 7.30 pm

Wednesday 21st February at Orton Market Hall, 7.30 pm

These are for anyone that still has concerns about commons councils. Please come along and let us know your views, we need your support to make this commons council happen.

I'd like to reiterate that a commons council will have no control over the day-to-day running of your commoners' associations, unless you ask it to get involved. The council is there to help you when you need it.

WE NEED TO KNOW WHICH COMMONS WILL JOIN THE COUNCIL BY THE END OF MARCH, AFTER THAT IT'S TOO LATE.

DON'T MISS THE BOAT

Joe Relph, Chairman

ANNUAL GENERAL MEETING and CONFERENCE

Friday 2nd March 2018, 2.00-4.00 pm at Newton Rigg

Post Brexit what is the future for upland commons?

Gavin Ross, Head of Environmental Land Management Defra,

Gavin will give us an insight into the Agriculture Bill Command paper and Defra' thinking on the future of farm support followed by a

Q & A session

Ground breaking times for commoners in Cumbria and Northumberland

After months of waiting we now have the go-ahead from Defra to create a commons council. If all goes well, the Secretary of State will make an Establishment Order this autumn to create the council.

Many commoners' associations have already told us they do want to join the council. Some of you are still considering your options. Please carry on reading as **this may be your one and only chance to be part of the commons council.**

What is a commons council?

A Commons council is an independent statutory body set up to improve the agricultural management of common land and the working life of commoners. It is recognised by law. The council can make enforceable rules that relate to:

- Agricultural activities, the management of vegetation and the exercise of rights of common over the land for which the council is established
- Leasing, licensing and transfer of rights of common; enabling active graziers to access unused rights for a period of time
- Establishing and maintaining a register of grazing
- Removing animals unlawfully permitted to graze

These rules only apply to the commons that join the council.

The council is a democratic and locally managed organisation with elected members representing active graziers, non-graziers and landowners.

Why do we need a commons council?

Gone are the days when the management of commons was mainly left to the graziers, landowners and the Ministry of Agriculture. Nowadays many organisations want to influence how common land is managed and the commoners' voice has become one of many.

Brexit is a game changer for agriculture. Public funding to farming will change with much more emphasis on farmers delivering public benefits. Commoners may do well out of this as commons are one of the nation's greatest assets and provide an impressive array of benefits for society. But we can't take this for granted. We have to prove that genuine working fell farms can produce realistic levels of food

production while at the same time as delivering what society wants.

We can do this by keeping positive, working together and developing a powerful single voice. A commons council will help us. As a statutory body, under our control, it's a step up from the Federation of Cumbria Commoners. It will be **the** specialist organisation for common land in Cumbria and Northumberland. Defra, the National Parks, National Trust and other organisations will have to take account of us. It has the extra legal clout that the Federation doesn't have and we need this in these challenging times. We have to help ourselves, in many respects the council is our insurance policy for the future

Currently you all receive BPS for the common directly to your farm business account. We have heard suggestions that Defra is considering paying all public support for common land to the common as a whole. The commons council can take on this role and take the burden away from commoners' associations

Enables commoners to take **CONTROL** of their interests and help UNITE commoners

Provides a **STRONGER VOICE** to influence post CAP schemes

A recognised **LEGAL ENTITY** that has **CLOUT**

DEMOCRATIC structure - one person can't hold the rest to ransom

EFFECTIVE MANAGEMENT to protect commoning

Has the governance and administration **CAPACITY** to manage and pay support payments from the government

A way to overcome disputes and **RESOLVE AGE-OLD ISSUES** on commons

A means to address **DISEASE CONTROL**, stock husbandry and welfare

Defra/ Natural England and will have to **CONSULT** the Commons Council

Get involved in **the DESIGN and DELIVER SCHEMES** that work for commons based on farmers' knowledge

What a council can't do?

A Council can't be imposed on a common. A common will only join the council if the commoners' association lets us know that the majority of their members (especially active grazers) want to join. The best way to do this is through a show of hands at an AGM or special meeting. We will also have to consult the owner.

A Council cannot make rules that fall outside of its functions of managing the grazing, the vegetation and the exercise of rights. For example it cannot make rules about public access or over-ride the normal need for landowners' consent for certain activities.

A council cannot dictate to local commoners' associations who join the council. The associations run the day-to-day management of their commons and the council will only intervene if asked by a majority of the association's members. Commoner's associations will not lose control of the day-to-day management of their common.

How will the council operate?

Cumbria and Northumberland will be divided up into two sections: East Section and West Section.

The council will have seats for 15—21 Members as follows:

- 10 Active graziers, made up of 5 from the East Section - all from different commoners' associations and at least one must be from Northumberland; and 5 from the West Section all from different commoners' associations. An active grazer is defined as a commoner who has grazed an even aged hefted fell flock on the fell for at least the previous two years
- 2 Non-active graziers, one from the East Section; and one from the West Section. They must be a commoner who has not grazed animals on the common for at least the previous two years
- 3 Landowners, at least one to be from Northumberland and one a non-institutional landowner
- Up to 6 non-voting members can be co-opted onto the Council.

As you can see from the above, 2/3 of the seats are reserved for active graziers as they have the most interest in how the council is run and what it does.

Clarifying the common land to be covered by the Council

Last year we wrote round to the Chairmen of all the commoner's' associations we could find, asking them if their association would be interested in joining a council. We held three well attended meetings to explain the main points of a commons council. So far we have had word back from twenty two saying they want to be included in the commons council.

Commons that want to join the commons council

Allendale, Bampton, Birkby, Corney & Waberthwaite, Bootle, Brant fell, Buttermere, Brackenthwaite and above Derwent, Crossfell, Deepdale, Derwent , East Stainmore, Eskdale, Hartley, Hexhamshire, Kinniside, Langstrath, Loughrigg, Moorhouse, Nether Wasdale, Ravenstonedale, Stockdale Moor, West Mallerstang, Winton and Kaber

Thirteen commoners' associations have said they are interested in the commons council, but haven't committed yet.

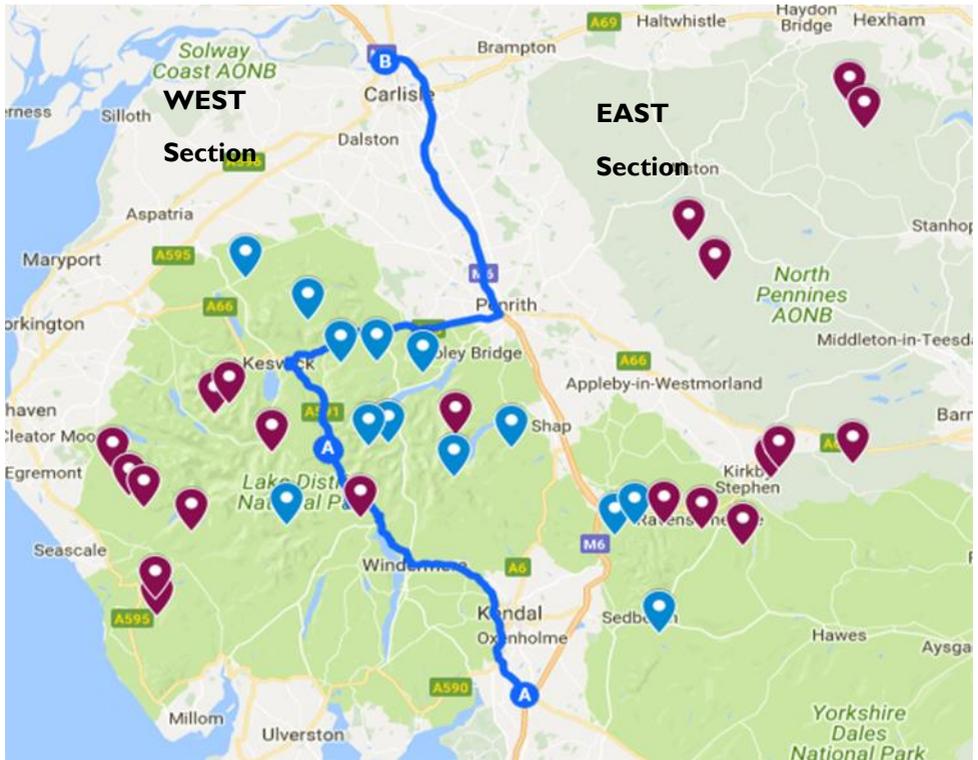
Commons interested in being part of the commons council

**Kentmere, Little Langdale, Longdale, Matterdale, Mungrisdale, Rafland & Rosgill Moor, Side fell, St Johns, Tebay, Watermillock, Whernside
Great Allotment , Uldale**

Together they cover nearly 65,000 ha of common land—a force to be reckoned with!

If your commoners' association isn't on these lists and you would like your common to join—it's not too late to do something about it. Talk to your Chairman and fellow commoners and talk to us. We can help.

Map to show which commons are likely to be part of the council



Yes ■ Interested ■

How the council will work with the Federation?

We know that not all associations will want to join the council and we want to make sure they get support. To keep costs low, avoid duplication and provide services to commoners in Cumbria and Northumberland, the Federation and the commons council will run side-by-side using the same part-time, self-employed administrator.

Costs

We believe that everyone involved should pay their fair share, but the cost must not be prohibitive or the council won't work. The exact costs per commoner will depend on the number of commons that participate (the more commons involved the less each common will pay).

Currently BPS and agri-environment payments add up to around £80/ha on the

common. We calculate that commoners' associations will pay their Federation membership fee plus around 15p/ha commons council fee. This is a small proportion of the £80/ha support payment to common land and will bring huge benefits to commoners in an uncertain world. Landowners will be expected to make a contribution as well.

Next steps

We are working with Defra and their lawyers to draft the Establishment Order. We need to know for definite if your commoners' association will join by **the end of March**.

If your common is **already on the list of commons wanting to join** the council, we will assume that you still want to, unless we hear otherwise from the Chairman.

If your common is **on the list interested in joining** the council, please make up your mind by the end of March. We will be writing to you individually and we need to hear from you by e-mail or letter that your common wants to join the council.

If your common is **not on the list** and you think it should join the council, then talk to your Chairman and fellow commoners. If, as an association, you are interested in joining, please get in touch. All we need is an e-mail or letter saying your common wants to be part of the proposed council.

DON'T LEAVE IT TOO LATE.

Your best chance is to join the council at the beginning. It will require a legislative process to add commons to the council at a later date. This is costly and Defra are not keen.

Timetable

- ◇ In early April we will pass the definitive list of Common Land Units that will form the council.
- ◇ Defra will draft the Establishment Order for formal consultation from mid-May to mid-June 2018.
- ◇ Order to be laid before Parliament – July 2018
- ◇ Order made in September 2018

A Portrait of Crosby Ravensworth Common

Matthew Jenkinson

Crosby Ravensworth common is approximately 2,200 ha stretching from the M6 motorway in the West to Gaythorne Plains in the East with the B6260 (Appleby to Orton) splitting one section of the common.

As part of the current environmental stewardship package, graziers receive a supplementary payment for grazing cattle on the different sections of the common. Natural England were keen to introduce cattle onto the fell to try and eradicate tussocky grass which has become more of an issue as sheep stocking rates on the common have been reduced. This part of the scheme has run for the past seven years and has two years remaining.

In total, 115 cattle are put onto the fell. The commoners weigh and condition scoring the cattle both on and off the fell. The scheme has worked well over the past few years, however 2017 was a tough year for the cattle graziers. Crosby Ravensworth common was placed into a 'TB Hotspot' with many of the graziers going from a 4-year testing period down to tests every 6 months.

Due to the location of Crosby Ravensworth common, and the high number of individual graziers from different holdings putting cattle on the fell, the commoners' committee expressed concern that grazing cattle on the common could increase the risk of spreading TB in the area.

In May 2017 they raised this issue with Natural England - two months before the cattle were due to go onto the common at the end of July. As far as the graziers were aware, a derogation had been agreed not to put cattle on the fell for 2017 and a grazing plan for 2018 would be based on how the graziers managed the cattle on the common, taking into account the increased risk of contracting TB.

However, in July 2017, Natural England confirmed that graziers would have to turn cattle onto the common as APHA (Animal and Plant Health Agency) considered there was a low risk from the cattle grazing the common spreading TB in the area. This also came with the news that badger specialists considered that the common did not provide a habitat for badgers.

In August the cattle graziers met with APHA to discuss a plan of action. The graziers agreed to honour their agreement and turn cattle to the fell from the end of August

to November. At the same time they raised concerns about how to test the cattle coming off the fell with regards to the 6 day standstill period and also how it would be managed if one or more holdings contracted TB off the fell. It became clear that APHA had only considered these issues after the cattle were moved on to the common. Therefore yet another meeting was called in September for APHA to advise the graziers how to manage the testing procedure.

After some discussion it was finally agreed that each grazier would move their cattle back to their own holding and deal with testing to their own discretion. It was also made clear that if one holding received a positive test, then this wouldn't affect any other holdings, regardless of the fact that the cattle would have been mixed on the fell and grazed freely with each other for 2 months.

Luckily no grazier had a positive reactor off the common.

The commoners have learnt that with regards to long term agreements all risks including animal health issues, global warming and the future of funding after Brexit have to be addressed from the outset before committing to a scheme.

Post Brexit farming: Keep Cumbria's Commoners Commoning

The Federation was set up because the government didn't understand commoning and thought it could be bolted on to support payments and schemes designed for owner occupied land. We've had to pay the price of delayed and incorrect payments and agri-environment prescriptions that are undermining commoning, rather than optimising the value of what we give to society. The government now has the task of creating a post-Brexit English Agricultural Policy. We believe this represents a great opportunity to develop fairer funding for farming and a working countryside which protects landscapes and the environment. But we didn't want to leave it to other organisations to say things on our behalf, so we decided to write a short paper setting out our ideas about what is needed to sustain commoning into the future.

We sent our paper to Defra Ministers, senior civil servants, MPs, policy influencers and anybody else we could think of. We have received a positive response leading to meetings with MPs and senior Defra staff to talk through our ideas. All good stuff. But we realised that many of you won't have seen the discussion paper. So we decided to reproduce it in full.

Introduction

Over the centuries commoners have grazed their livestock on Cumbria's commons and shaped the landscape loved by many. Today around 1,000 commoners continue this tradition. But commoning is hard, the rewards low and commoners are slowly declining in numbers. The Federation of Cumbria Commoners asks HM Government to commit to agricultural policies that support commoners continue grazing the commons and, by doing so, conserve and restore the environment, support farming communities and the cultural heritage of Cumbria's fells and dales. In particular, to consider:

- Keep the current level of funding for agriculture, BUT
- Shift funding away from area-based payments to targeted payments to deliver real agricultural and environmental benefits on commons and fell farms
- Develop locally-led agri-environment schemes with the greatest rewards going to commoners who deliver the highest environmental benefits
- Design procedurally fair, smarter and simpler payment systems

What's so special about commons?

Common land is land owned by one or more persons over which another person(s) is entitled to exercise rights of common. Cumbria has one third of the common land in England - 112,900 ha in total. This land is mostly remote moorland. Commoners and shepherds have grazed hardy breeds of livestock on these commons for centuries shaping the mountain landscapes. This land is nationally important for wildlife habitats, water catchment and supply, tourism, access, carbon storage and archaeological conservation. No other category of farmed land delivers as many public benefits.

Today around 1,000 commoning families with a long proud history of farming use their rights of common to graze the Cumbrian fells and produce naturally-reared meat and excellent livestock. Like their forbears, they make the most of common land's rough unforgiving terrain by farming it in conjunction with adjacent lower lying land. This complex farming system, developed and adapted over the centuries, has created a rich farming cultural heritage of native sheep breeds, traditional shows and sports, shepherds meets and local dialects. These underpin the Lake District's new World Heritage Status.

But the vast majority of Cumbria's fell farms cannot survive in their present form without public payments. In 2015/2016 farm support payments accounted for over 40% of the average fell farm revenue. If commons are to remain special they need commoners to continue grazing their livestock on the common. To do this commoners need a level of public support to keep

going. They also need to be part of a vibrant and healthy farming industry that thrives into the future. The task of creating a post-Brexit English Agricultural Policy represents a great opportunity to develop fairer funding for farming and a working countryside which protects Britain's landscapes and diversity.

In this discussion paper we put forward a number of points that we believe must be integral to future support schemes to sustain commoning and fell farming not just in Cumbria, but in other areas of England where commoning is actively practiced.

The Federation of Cumbria Commoners SIX “ASKs”

Ring-fence and maintain current levels of funding for the foreseeable future. In 2015, payments from the EU's CAP totalled around £3.3 billion. Put in context this is 0.44% of the UK's entire public spending budget of £748 billion. It took two World Wars to focus official minds on the value of having a level of national food security giving the UK population access to a sufficient, affordable and healthy diet. UK public investment in farming provides a food security buffer by protecting farm production. It builds resilience into our domestic food system and guides farmers towards enhancing the natural environment

Shift funding away from area based payments. Under the current CAP five sixths of the public funding to farming goes to area-based direct payments rewarding land ownership rather than active farming. This system has been heavily criticised for allowing wealthy individuals, companies and charities reap millions of pounds of public funds, while medium and smaller farmers receive significantly less. This payment ratio should be reversed via a managed shift to targeted payments focused on encouraging innovation, quality food production, enhanced public goods, climate amelioration and other specific goals wanted by the nation.

Remaining area-based payments should be capped to a level to provide a minimum buffer to protect farm production as the UK exits the EU. These payment should be conditional on delivering a standard of good farming practice agreed between the farming industry and government.

Reform the way public funding is delivered. Commoners have a legitimate expectation to a payment system that is procedurally fair. The present system is overly complex and designed for single occupancy enclosed land. This leaves commoners unfairly disadvantaged. Many receive incorrect payments months later than other farmers causing financial hardship in some cases.

Retain livestock production in the hills through targeted payments to the uplands, young farmers and new entrants. Hill farming has many benefits including supporting the rest of the industry “down the hill”. Current farm support payments make a major

contribution to upland economies via the “multiplier effect” created by fell farmers paying for a wide range of goods and services from local businesses. Without these payment rural economies will be poorer and residents may face significant hardship. They also help underpin the social fabric of rural communities by enabling farming families to stay on their farms. Payments could be made on the basis of workers per holding rather than on the amount of land, which would maintain more stable employment for upland economies.

Young farmers are crucial to Britain’s farming future and to the continued agricultural management of common land. There is a need for a bespoke new-entrants and young farmers’ scheme to include top up payments and capital grants to address barriers including access to land, capital, markets and education. Support for succession planning and facilitation to enable older farmers to retire and the next generation to come through is also needed.

Develop locally-led agri-environment schemes for common land that retain traditional pastoral commoning and maintain and increase delivery of public goods. We believe that new schemes should be built on the learning from previous UK agri-environment schemes and good practice from elsewhere - always remembering that commons are different. They cover large geographical areas and are collectively managed using traditional systems of hefted and acclimatised livestock. These factors make the design, administration, governance and delivery of schemes on common land significantly more complex than an individual farm scheme.

We want to see new schemes that are results based. Simply put, this is a smarter, more effective and fairer way to pay for the delivery of public goods from common land. Commoners who deliver the highest environmental benefits receive the greatest financial reward. In this way conservation activities can become as much a product for the commoner as the livestock they produce.

Larger schemes, in particular, may require trained advisors/facilitators to ensure the active engagement of commoners’ associations and individual commoners in the design of local and practical schemes which address the real conservation needs of the common and yield real agricultural and environmental benefits.

Commoners and their associations negotiate to deliver habitat restoration and conservation grazing activities that best fit their fell farm business, skills, experiences and resources. The sum of the co-ordinated and collective output of all those involved is greater than its parts and creates bigger and better, more connected areas for wildlife and importantly, keep commoners commoning.

To cover the set-up costs, schemes need to run for a minimum of 10 years with an agreement drawn up between all. No one party/ individual should be able to unreasonably veto a scheme. The governance, administration and delivery of these commons schemes

needs to be straightforward so that commoners are capable of self-managing their own schemes. Ongoing payments should be built into the overall scheme budget to cover the costs of delivering the scheme.

Develop locally-led grassland agri-environment schemes on enclosed land to help fell farmers continue farming in an appropriate way to sustain Cumbria's working countryside. These schemes should be based on the same principles as outlined above where farmers nominate a number of active conservation jobs that suit the needs of their farm and are paid for the work they undertake on their enclosed land. Examples of jobs could include: bracken and scrub control; shelter belts; agro-forestry; hedge establishment, restoration and maintenance; maintaining/restoring dry stone wall; natural flood management; hay meadow restoration; linking habitat and wildlife corridors and preserving farming traditions.

Other payments. There are many other elements to an English replacement of the CAP and here we highlight a few that can have a direct effect on the viability of commoning and fell farming. They include:

- Support for the maintenance of farming cultural heritage and rural skills
- Develop innovative education, research and agricultural/environment extension services for fell farming and commoning : invest in farmer-led research and innovation; support farmer-led extension services (farmer networks); provide increased funding for public agriculture and food research
- Enable decentralisation of processing and marketing with local abattoirs and humane slaughter facilities reintroduced around the country.
- Prioritise sourcing of local food and products in county, district and National Park authority procurement contracts
- Likewise for tourism businesses (cafes and shops) of the National Trust and other local/national NGOs
- Develop ways to increase the public's knowledge and understanding of commoning and fell farming

Finally, we recognise we have not provided a complete description of an English Agricultural Policy and that other important elements, such as, tariff and non-tariff trade issues and gaining a 'level playing field' need to be addressed at a national level. Getting the right trade deals for UK sheep meat are crucial to the future viability of commoning and fell farming.

Uplands and commons policy update

Julia Aglionby, Chair Uplands Alliance and Executive Director of the Foundation for Common Land

Do we know more about the future than we did a year ago? In short yes with regard to the big picture but still masses of detail is unknown. I chair the Uplands Alliance a network that seeks to bring together a huge range of voices all sharing a passion for the Uplands. We have

funding from the Princes Countryside Fund to engage with hill farmers to improve the resilience of their businesses and also connect with Defra officials and Ministers. For reports and updates please register at www.uplandsalliance.com

So what do we know?

- BPS payments will end, but not immediately, probably by 2024. We definitely have BPS in 2018 and 2019. From 2020 BPS is likely to be capped and each year thereafter the level of the cap may well decline.
- Future financial support to farmers will be for public goods. There is likely to be a Universally Accessible Scheme with maybe extra support for those in collective schemes such as facilitation fund groups. High animal welfare and native breeds may be supported through this. On top of this there will be a higher tier scheme
- Defra would like to pilot new support schemes from 2020 and may introduce them from 2022. We are working to develop a co-ordinated approach to piloting in the Uplands and on Commons. Defra has also said no one signing up to CS now will be disadvantaged.
- This spring Defra will publish a Command Paper and has indicated there will be 10 weeks for consultation with an Agriculture Bill following in late summer or early autumn. Do give your views.

What does this mean for Commons?

We need to work on demonstrating and enhancing all the public benefits commons provide. They are numerous, but we need to shout about them louder. Government will be directing payments to those benefits you provide that aren't paid for by the market. So you get paid for livestock through the ring and direct sales and rewarded by the government for benefits society gets for free e.g., access, landscape, biodiversity, clean water.

Currently everyone receives their BPS direct to their farm business account. In the future all support payments are likely to be paid for the common as a whole and therefore to umbrella organisations that can demonstrate proper governance and administration processes. The proposed commons council for Cumbria and Northumberland could play an important role here, Do consider joining.

The Foundation for Common Land (FCL) is working on a series of principles to govern future policy for common land and asking relevant organisations to commit to these.

FCL will be supporting commoners in the Lake District, Yorkshire Dales, Shropshire and Dartmoor to respond to these changes through a large Heritage Lottery funded project called Our Common Cause: Our Upland Commons. We now have a national Project Manager and are recruiting local staff.

Federation of Cumbria Commoners Committee

Chairman	Joe Relfh	Non-regional	01768 483337
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
Tom Lorains		Lakes South Central	017687 78728
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
Andrew Humphries		Co-opted	01228 564140

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