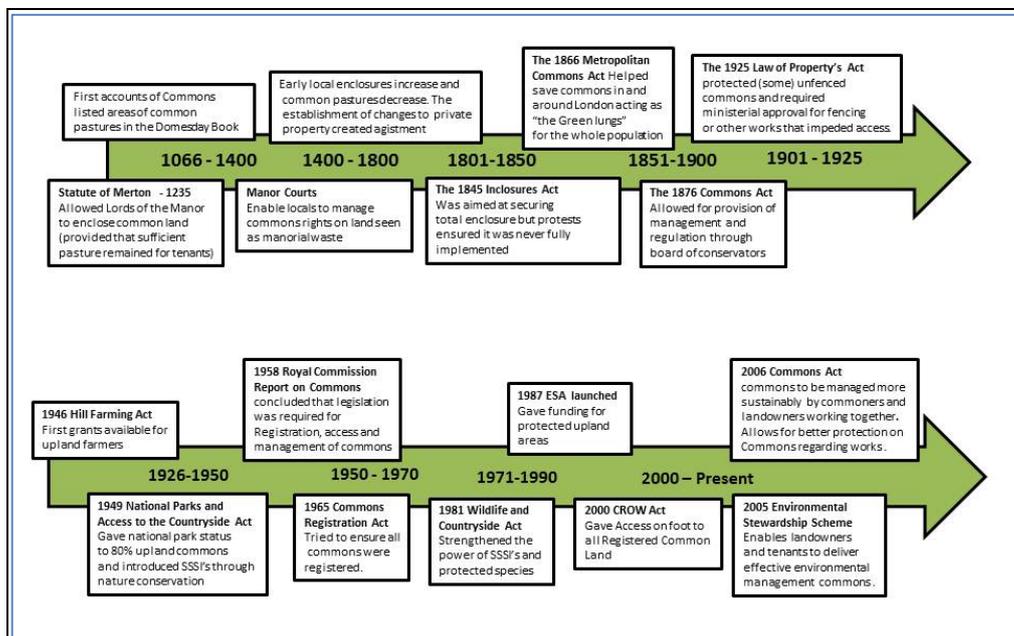


# 800 Years of Multi-functional Delivery in the Uplands: Identifying Attributes of Successful Governance on English Commons

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## 1. Introduction

The governance of pastoral common land in England has been a multi-layered and highly regulated affair for over 800 years since the Statute of Merton in 1235 (Winchester 2000). In practice there is a huge variation in the success of common land units to deliver multiple outcomes even when regulatory systems are the same, land uses similar and the establishment of a local governance structure occurred at a similar date. This observation prompted a study into attributes of successful management across commons in five upland areas in England. The project, 'Better Outcomes on Upland Commons' (Aglionby and Morris 2014), with 16 partners<sup>2</sup> from across conservation, land management and government had an underlying driver to explore how conflicts between interests, too often seen as competing, can be mitigated and co-delivery achieved. This paper summarises that research focusing on the attributes of governance that successfully deliver multiple outcomes on upland commons. The focus is on presenting the results of that work rather than on placing them in context of the wider literature on the subject.



The legal rights on upland commons range from the property rights of commoners and owners to the statutory rights of access and protection for

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landscapes, historic sites and biodiversity (Aglionby 2014). This landscape of legal pluralism does not produce a hierarchy of legal outcomes though government policy does have different priorities at different times (Woolenberg, Anderson and Lopez 2005). Rather the law requires all outcomes to be delivered concurrently which creates an inherent tension as special interest groups lobby for the improved status of one outcome often at the expense of another though private property rights can be constrained in the public interest for instance to protect SSSIs (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)).

The ambition of this project, as agreed by the participating partners is to make this tension creative rather than destructive so avoiding the need to fall back on the law. While property rights can be constrained it was recognised early in the project that the management for and by agricultural and sporting interests is what has created the designated sites and the distinctive and cherished landscapes of the uplands (Short and Winter 1999). From a purely practical point of view if farmers and owners abandon the land because they see no purpose in continuing to manage it then it would be prohibitively costly for the state to deliver the same outcomes.

Furthermore, unless collective grazing by commoners and management by owners continues then common land may legally be common land but will not be so in practice. It would be akin to protecting the fabric of a cathedral with no services taking place; something intrinsic to the very being of the site would be lost. Commons with no grazing become a museum to past management rather than a living landscape and the cultural heritage would be lost (Lake District National Park 2013). A key aim of the research was to identify the attributes or characteristics of successful management so to provide guidance to reduce tension between the delivery of multiple outcomes concurrently. For instance can we have a vibrant farming community alongside favourable condition of the SSSI and ensure access is maintained? Furthermore can we improve governance to enhance the level of one outcome without imposing a reduction in the level of other outcomes?

The underlying premise of the research was that we should aim to deliver all outcomes that are legally protected or designated and that people have the right to exercise. In addition there may be other outcomes that are national priorities such as carbon storage that are also of importance. It is over the nature and quantum of each outcome that tension arises.

## 2. Topics of Inquiry

The research explored three topics of inquiry to structure discussions and provide a means of comparative analysis. These are outlined below.

- i. **How a range of outcomes can be delivered and enhanced on the same piece of land** The simultaneous delivery of multiple outcomes, or ecosystem services, has occurred for centuries but there are significant interactions between different land uses. This has led to increasing tension between the

levels of delivery of the various outcomes. This project teased out in the various case studies what enables multiple outcomes to be delivered concurrently. What works well and how can we do more of it? Some outcomes accrue to individuals with specific property rights but the majority accrue to our broader society – public benefits. Of these many are recognised as of national importance with legal designations for landscape, biodiversity, access, water quality and historic monuments.

- ii. **Payments for Ecosystem Services** Those with private property rights (landowners, farmers and commoners) are much more likely to deliver a public benefit if they are rewarded and understand what they are being rewarded for. It is therefore critical that mechanisms are developed for fair recompense for the production of public benefits and for developing shared understanding of the target outcomes. The former is also called payments for ecosystem services.
- iii. **Understanding Rights and Responsibilities** The uplands are characterised by a range of legal and contractual rights; from the property rights of commoners and owners to public statutory rights such as open access; from the statutory duties of Natural England to the contractual rights and responsibilities agreed under Environmental Stewardship schemes. When there is mutual understanding of each person or institution's rights then it is easier to understand the drivers that underpin each other's management decisions and behaviour.

Additionally the research explored with participants the question; "What would you constitute success for this common and its management in 5-10 years' time? What is required for this to happen?"

### 3. Method

#### (i) Case Studies

The research used five case studies across England to identify what works well and particular care was taken to choose case studies that both demonstrate the full range of functions provided by upland moorlands and illustrate how interventions and change in demands for ecosystem services can be managed. For each case study a small working group was drawn from the partners to cover the range of interests. This group included a coordinator chosen for each case study from within the staff of the partners. They led the work and delivered the case study report. Each coordinator worked with local representatives through identifying relevant stakeholders, undertaking one on one interviews. From these one or more workshop sessions were held then each of the five co-ordinators analysed the data and wrote up their report using an agreed structure to enable comparison.

The method draw from the techniques of Appreciative Inquiry (Reed 2007) as we sought to 1) identify successful characteristics, 2) understand what underpins that success and 3) identify how further improvements could be made. The case studies look at respective interests of the key stakeholders

and how relations between them are managed in each locality as well as how agreements are negotiated and the impact of these on delivering multiple outcomes. From this baseline the parties are asked what would constitute success in the future and how that might be achieved.

The case studies were chosen to provide geographical spread across England and also to ensure a balance of the seven different outcomes as shown in the table below.

Case Study Area	Biodiversity	Water	Farming	Sporting	Access	Historic	Landscape
Forest of Dartmoor	X	X	X		X	X	X
The Long Mynd	X		X		X	X	X
Danby Moor	X		X	X	X	X	X
West Arkengarthdale	X		X	X	X	X	X
Haweswater	X	X	X		X		X

(ii) A brief description of each case study area<sup>3</sup>

**Forest of Dartmoor;** is, at over 11,000 hectares, the largest single piece of registered Common Land in England. Predominately owned by the Duchy of Cornwall the primary land use is the grazing of cattle, ponies and sheep. Recreation and access is generally at a relatively low level apart from the annual Ten Tors event. All the land has public access (1985 Dartmoor Commons Act) and 40% of the common is used for military training. There are about 60 scheduled monuments on the common. There is a large water supply interest with 45% of all water for Cornwall and Devon being sourced from Dartmoor. The whole area is a Site of Special Scientific Interest (SSSI) and Natura 2000 site (SAC).

**The Long Mynd:** This common within the Shropshire Hills AONB is owned by the National Trust and covers 2,200 hectares and is a SSSI. It has an active commoners association, with 20 or so graziers and has a HLS agreement. The common has approximately 300,000 visitors per annum, and is a large recreational resource for many forms of outdoor pursuits. It is an unregulated common and a land agent acts for most of the commoners and manages the HLS on their behalf. There are 26 scheduled monuments on the Long Mynd.

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<sup>3</sup> Further details in Appendix 1



**Danby Moor;** This common lies within the North York Moors National Park, extends to 4,700ha and forms part of a much larger SSSI/SPA/SAC. The main economic driver on Danby Moor is grouse shooting run by the owner of the common. There are 12 active graziers and the Estate has its own flock in order to reach minimum stocking requirements. There are few access issues due to the relatively low numbers of users. There are 52 scheduled monuments on the common.

**West Arkengarthdale;** A large common (5600 hectares) in the Yorkshire Dales National Park, this common is owned by the Earl of Arundel (Duke of Norfolk). The owner's major interest is grouse moor management, but for local sheep farmers with grazing rights the moor is critical to their farming businesses. It has six scheduled monuments including the remains of a lead mine and also is a significant store of carbon in its peat soils.

**Haweswater;** within this large network of commons in the Lake District National Park this study focused on Bampton Common (2600ha). Owned by United Utilities grazing on the common is essential to local farming businesses. Recently the RSPB have taken over two farms resulting in reductions in sheep numbers greater than those sought by Natural England. The primary drivers for the owner and the RSPB are securing improvements in water

quality and nature conservation. While in a tranquil part of the national park the common is well used by walkers. There have been a few access issues arising from woodland planting. Bampton has six scheduled ancient monuments.

#### **4. Case Study Findings: Successful delivery of multiple outcomes on upland commons**

(i) Concluding Remarks from each Case Study (in the words of the case study co-ordinators)

a. Dartmoor (by John Waldon)

The interviews with stakeholders and the workshop combined to provide evidence to support the perception that the Forest has few serious unresolved issues that are unique to this common. We set out to explore how this has happened so others may benefit.

Themes emerged that contributed to the current state of affairs. It has not happened by accident or over-night but has taken time and benefited from a combination of a history of engagement, relatively few stakeholders, a supportive governance and strong leadership. Over 20 years of agri-environment has fostered dialogue and discussion but has not been without its critics. The reduction in stocking rates remains contentious but without such payments it is likely that even fewer cows and sheep would be grazed on the common as hill farming is not viable without payments, currently made by Defra, for ecosystem services.

The emerging opportunities to benefit from other outcomes are still in their infancy and much will depend on the reward structure that emerges. As one commoner said "*money is essential but it is no friend to a common, causing disputes and in-fighting*". This refers to the challenge of negotiating the split of the funds among all the contributing parties to the scheme.

b. Long Mynd (by Claire Fildes and Cath Landles)

All the interviewees agreed that everyone has the right to use the common but that everyone should seek not to damage the very things that are valued:

- Landscape quality
- Wildlife
- Tranquillity
- Wildness

The key word here is balance. There needs to be mutual understanding between users of the common. This works well where people know each other and are regularly meeting. The Long Mynd Liaison Group is successfully achieving this goal for many users, although more involvement by the Commoners would be appreciated.

c. Danby (by Rachel Pickering)

The people involved in Danby Moor Common are very committed and passionate about their Moor. Danby Court Leet works particularly well as it is autonomous and 'there is enough good will, flexibility and tact' to deal with issues without conflict. The Jurors are very committed and, with the exception of the Steward and Bailiff, they all give their time for free. They take care of all the day to day 'infringements' and local enquiries about common rights. Not only does the Court Leet fulfil a valuable function but it is a living, breathing reminder of our history which is made all the more spectacular as it still meets at Danby Castle.

Some of the reasons why the management of this Common runs smoothly, such as the Court Leet, cannot be replicated on other moors. Most people believe that success is about having the right personalities in key roles but these cannot be altered, only attitudes and behaviours can be changed. However, there must be recognition that a change in behaviour will provide benefits for all. Case Studies like Danby Moor Common can hopefully help show that co-operation and compromise does yield many benefits for all parties, not just financial but social and environmental too.

Advice is often given that the HLS Administrator should be independent. However, after some initial concerns about the Danby Estate Director being the HLS Administrator, all parties now agree that this works very well as he **acts** independently and fairly when carrying out that role. The advantage of having an HLS Administrator who is heavily involved in the moor is that their greater sense of ownership and deeper understanding of the moor means that they are likely to invest more time and effort into making the agreement work well.

d. West Arkengarthdale (by Viv Lewis)

Working towards shared goals and better outcomes is currently achievable on the moor.

The ingredients that make the delivery of multiple outcomes possible include:

- The graziers have maintained traditions of good neighbourliness and have sufficient goodwill to cooperate and compromise when needed.
- People with different interests on the moor do communicate with each other
- Leadership and governance structures have been around for over 30 years promoting and supporting the coincidence of interests and provide the coordination needed for the overall management of the moor.

All the above is contingent on sufficient public funding to make it worthwhile for everybody currently involved. Payments (from whatever source) for

ecosystems services/ public goods delivery also underpin and maintain the way of life the in the dale. They will need to continue into the future; otherwise the 20+ years of public investment in better outcomes may be rapidly lost if farming and grouse shooting declines.

e. Haweswater (by Simon Thorp)

The biggest single factor facing Bampton Common is the lack of anyone with a coordinating responsibility for the management of the Common who is capable of or willing to bring the agencies, NGOs and commoners together. Furthermore there is no institutional structure that brings parties together. This lack of coordination has led to a disjointed, inefficient approach to management and no mechanism to sort out issues and disputes.

The management of the Common has split into separate factions with insufficient consideration of the interdependence between them. In isolation the different factions will achieve only a fraction of what could be achieved through an integrated approach.

As a process to improve matters, all stakeholders could be invited to identify the barriers to the achievement of their objectives. A collective review of the barriers could determine how limited resources could be applied to the best effect. It might be best that a third party carried out such a review.

Some may hark back to the 'good old days', when local people were left to get on with the management of the area, but now there are many more land uses than there used to be and all have the potential to conflict with each other. The stakeholders have the necessary skilled management but better coordination would provide dividends.

(ii) Mitigating tension in the Case Studies between Outcomes

Each case study presented themes related to delivering multiple outcomes on upland commons. There were repeated examples where successful delivery of multiple outcomes occurs. The table below highlights firstly where there was rarely conflict or even synergy between outcomes, secondly where tension between the delivery of outcomes had been diffused by good design and thirdly interactions where outcomes were usually contested but where payments and collaborative design can deliver positive results for both outcomes. The lines between the categories are dotted reflecting that the position can change depending on the local circumstances.

The variety of outcomes is wide ranging and they are highly linked as emphasised in West Arkengarthdale where reduced sheep numbers has benefited outcomes for conservation and sporting and enabled local farmers to access stewardship payments. Overall it was concluded we should all embrace the finding; as expressed on The Forest; that all stakeholders need to consider the impact of their actions on all ecosystem services. There can be a tendency for all stakeholders to focus on the features that are their priorities. When this occurs amongst policy makers this can lead to a focus

on environmental public goods and leave to one side provisioning or cultural services. This single focus often leads to long term problems for delivery of the target outcomes as the actual land managers – the commoners and owners feel unengaged from the ‘priority’ outcomes – and do little more than meet the letter rather than the spirit of the prescriptions.

As part of this process farmers, moor owners and conservation NGOs also need to be encouraged that it is beneficial to themselves to be more holistic in considering the impact of their actions. Interestingly in all the successful settings in these case studies there are trusted forum for managers and commoners to come together often with other stakeholders. This minimises the risk of different stakeholders making conflicting policies in isolation of others.

While it is a natural desire for people to wish to enhance the specific outcome they are interested in the case studies tell us that proposals that are appropriate and sensitive to the context of that location are more likely to be achieve the desired outcomes. Success can be enhanced further particularly when targets are framed in a way that is appropriate to the existing day-to-day management tasks; i.e. we all benefit from adopting a place based approach that makes sense to active users. The results here tie in with those from the four case studies presented in *Contested Common Land* (Rodgers et al. 2010).

**Table 1 The interaction of each of the 8 core outcomes with the other outcomes.**

*NB The lines between the categories are dotted reflecting that the interaction can change depending on the local circumstances.*

<b><u>Outcome to be Enhanced</u></b>	<b>Very little / no tension</b>	<b>Tension can be mitigated by design</b>	<b>Negotiations and payments can resolve tension</b>
<b>Pastoral Commoning</b>	Landscape Historic	Access Carbon – grip blocking	Water Biodiversity Sporting
<b>Biodiversity</b>	Carbon Water	Farming Access - fences Historic	Farming Sporting
<b>Access</b>	Landscape Historic Carbon	Biodiversity Sporting Water - fences Farming	
<b>Sporting</b>	Historic Sites	Carbon / Water-grip blocking Landscape Access	Farming Carbon - burning Water Biodiversity
<b>Water</b>	Access	Landscape – fences Historic Sites	Burning Farming
<b>Carbon</b>	Access Water Biodiversity Historic Landscape	Farming	Sporting
<b>Landscape</b>	Farming Sporting Historic Sites Access	Biodiversity – fencing Access – challenge events	Access – path erosion
<b>Historic</b>	Farming Access Sporting Carbon Landscape	Water Biodiversity	g–restoration of monuments

## Who pays for and who receives the benefits from outcomes?

The case study data demonstrates that benefits from the outcomes are widely but not equally spread among different user groups. Consequently the costs and benefits are unequally shared.

The different types of interactions can be summarised into the following three categories:

A. Non-contentious: Benefits from an outcome are provided to others (the public) at no extra cost to the provider as an unintended consequence of management  
e.g. Commoners grazing on Long Mynd keep the moorland accessible for ramblers and horse riders and maintain the condition of historic sites and the cultural landscape.

B. Synergistic The provider receives a payment for delivering a specific positive outcome to the public and this payment also maintains or improves another outcome  
e.g. Environmental Stewardship payments to commoners on Bampton improve the water quality and biodiversity for the water company and society but these payments also underpin farming business viability allowing commoning to continue.

C. Negatively Correlated Regulations and / or schemes which reduce the outcomes some people receive but improve other outcomes  
e.g. Lengthening the burning rotation on West Arkengarthdale reduces or caps grouse bags but the subsequent change in habitat improves the condition of SSSI.

These three categories are useful for arranging our thoughts but a reductionist approach risks presenting a simplistic picture of the uplands. In practice there are numerous interactions on each site all the time. Decisions that land managers take are not binary; or black and white; but multiple with overlapping consequences and numerous shades of grey. So on a single site some interactions between outcomes will be non contentious (A), others are synergistic (B) while a significant number are contentious due to the outcomes being, or appearing to be, negatively correlated (C).

The reason many interactions fall into category C is that different parties have different legal rights and responsibilities. The varied distribution of property rights combined with the differentiated distribution of responsibility for public goods between different government bodies and NGOs results in a silo approach and a consequential lack of unity of purpose. This is the reality of management in the uplands and the purpose of Better Outcomes was not to change 'reality' but to ensure it is recognised and that management planning takes it into account.

Many individuals involved in countryside management are familiar with the complexity of multi-functional management but few, quite understandably, make management decisions that impose costs on themselves (or their organisation) to deliver benefits to others. It is therefore important to understand what the cost (if any) is to a stakeholder of providing a benefit to others when it conflicts with their

core purpose. How can that cost be mitigated or compensated? Furthermore costs are not always financial but may relate to a reduction in outcomes that affect a person or organisation's sense of self worth or perceived duty. An example is the reduction in sheep numbers on Bampton Common.

In practice each commoner, owner, NGO and government body decides on the optimum combination of outcomes they seek. If any one stakeholder ploughs ahead with their intentions in isolation of others a clash in interests is likely with disputes ensuing. Bampton Common demonstrates the consequence of a lack of co-ordination between conflicting interests. The case studies also highlighted good practice where schemes have been adapted to maximise outcomes to all such as with Farming Futures on The Forest and at Danby. Often you can have your cake and eat it if you take longer to prepare it and accept a final ingredient list that varies from your original design.

### **Benefits and costs from Government agri-environment schemes**

Payments from environmental stewardship schemes are made to the commoners and owners of the common land to deliver improvements across a range of outcomes though they are primarily focused on improving outcomes for biodiversity. All five case studies currently have higher level environmental stewardship schemes (HLS) which reflect that there is SSSI land on all the commons. In all cases, except Bampton, the majority of each common is designated as SSSI.

There are also some synergistic benefits from HLS for farming and sporting. The reduction in sheep numbers represents a reduction in the outcome in performance terms from farming but commoners noted it would be difficult, in a no scheme world, to match the loss of HLS income by increasing flock size due to the low returns from sheep farming. Danby is the wild card in the sample as here commoners and the owner have been paid to increase sheep numbers so the outcome from farming has increased alongside outcomes for biodiversity. The decline was due to farmers not restocking after foot and mouth disease in 2001. What farmers seek is not a 'no scheme world' but schemes with the flexibility to design prescriptions that mitigate the costs the schemes can impose. Joint planning of a vision for each site is required rather than a creep towards gold plating a narrow set of outcomes at a cost to other outcomes.

With regard sporting benefits on West Arkengarthdale the owner acknowledged that the payments for HLS mean that sheep numbers are reduced to a level that is beneficial to the sporting interest and the value of his grouse moor – another synergistic benefit.

While HLS payments can deliver net benefits for all the eight outcomes there are some costs as well and sometimes these costs can cause resentment that undermine the overall picture. These include:

- The reduction in sheep numbers reduces: agricultural income, the genetic pool of the flock and labour requirements so reduce opportunities for successors
- Requirements to off-winter sheep adds costs, stress and extra labour costs
- The lengthening of the burn rotation and no burn areas on driven moors

- reduces grouse bags
- Fencing required for woodland planting schemes changes the open moorland landscape and can impede access
- Negotiating and managing the HLS can cause friction between and within different groups that takes years to heal and impacts on the delivery of outcomes

### **Payment from the Market**

The case studies highlight a number of goods and services produced from or on the common that are sold in the market place. These include:

- Livestock – for breeding, fattening and meat
- Let grouse shooting
- Guided visits to the common including bike hire etc
- Tourism businesses near the commons that capitalise on the landscape and wildlife on the common
- Water flowing from the catchment
- Organised events

Examples of payments from one stakeholder or user to another from the case studies are:

- Payments on Bampton from United Utilities, a water company, via SCaMP for woodland management to deliver better water quality but also biodiversity and landscape outcomes. There is though no cash benefit for the graziers.
- Payments from the organisers of Challenge events on Dartmoor to the National Park and on Long Mynd to the National Trust. The amount of money raised is small.
- The Estate purchased farms with common rights at West Arkengarthdale. These common rights are now held in hand with the effect of increasing the HLS payments for the remaining commoners
- Commoners who have B&B and holiday cottages receive income from visitors who come to enjoy the landscape.
- The National Trust fund management activities on the Long Mynd so visitors benefit from a better experience but do not charge for access.
- South West Water paid for habitat restoration works on a pilot area of 110ha of The Forest of Dartmoor bringing benefits for biodiversity—payments for landowners and commoners are currently being negotiated
- The owners of both Danby and West Arkengarthdale provide the professional services of their agent as the facilitator and co-ordinator for the HLS schemes.

The challenge for increasing private payments for public goods is that:

- the benefits from the outcomes are widely distributed and it is challenging and expensive to capture the value of the visits
- the amount of money is small relative to the payments from environmental stewardship schemes
- markets for payments from water and carbon are underdeveloped and currently no water companies pay to abstract water.

- planners prefer biodiversity off-setting projects to be close to the development site but as all these upland commons are in designated landscapes the numbers of developments requiring off-setting will be limited

The overall sense of the case studies is that more private Payments for Ecosystem Services (PES) would be good and welcomed. Several workshops noted that substantially more engagement is required with visitors to the commons to encourage the public to consider paying for public goods even if simply through the tax system. Furthermore there is some concern that private payments, particularly if voluntary, are at present unlikely to raise enough to be a realistic alternative to state funded environmental stewardship schemes. These five case study sites alone collectively receive in the order of £2 million per year from HLS and UELS.

### **What will Successful Management of Upland Commons look like 5-10 years in the future?**

All the participants in the case studies were asked to consider what successful management of the common might look like. The answers can be divided into three types:

- 1) *Success related to specific outcomes will include:*
  - A robust community of graziers with mechanisms to allow older graziers to retire and new entrants to succeed as commoners
  - Sheep grazing recognised as a suitable vegetation management tool
  - Bracken under control
  - Improved water quality
  - Continued environmental stewardship payments
  - Sustainable and financially viable driven grouse moors
  - Shared and locally determined views on woodland, location and extent
  - Better habitat management
  - Improved condition of the SSSI
  - Improved condition of peat bogs
  - Path erosion repaired
- 2) *Success concerning relations with the wider public both visitors to the commons and society at large will include:*
  - Increased understanding and appreciation by the public of the outcomes and services provided by commoners, owners of common land and other managers so that taxes paid for stewardship schemes are considered good value
  - Those who use the common should directly contribute to the cost of its management through private payments for ecosystem services
- 3) *Success that relates to relationships between the stakeholders to deliver the specific outcomes will include:*
  - Better Communication

- Trust between stakeholders
- Mutual understanding of respective rights and interests
- Effective and fair co-ordination between interests on the common
- Natural England liaise regularly and communicate effectively with agreement holders
- Natural England encourage wider ownership and delivery of their objectives with commoners and common land owners
- Well managed environmental stewardship schemes

Despite their distinctive characteristics and management there was a strong correlation between the sites with regard the findings in all three categories. Furthermore the case studies show that on some sites effective relations between the stakeholders already exist while on others they still need to be developed. The difference in types of management required to deliver multiple outcomes is well reflected in Simon Thorp's conclusion in the Haweswater (Bampton Common) Case Study:

*Managing the Common requires land management skills, which are much in evidence. Managing the aspirations of the people who have an interest in the Common so that everyone works together requires different skills. Both forms of management are required if the Common, and everyone involved with it, is to prosper.*

With this in mind the next section considers the attributes of successful governance of upland commons focusing on success that concern relations between stakeholders. This is because the successful delivery of a common is not considered to be a consequence of its specific bio-physical characteristics or the mix of activities undertaken. We can be confident of this conclusion as several of the case studies have comparable neighbouring commons which differ significantly in their success to deliver multiple outcomes.

## **5. Attributes of Successful Governance on Upland Commons**

Drawing together the findings of the case studies we conclude that the following are attributes of management on upland commons that successfully deliver multiple outcomes.

- Strong and adaptive leadership and co-ordination
- Good and regular communication
- Effective and well established networks
- Respectful attitudes
- Clarity on rights and outcomes
- Trade-offs negotiated fairly
- Fair and transparent administration
- Payments that reflect respective contributions and benefits
- Local knowledge and Local discretion over prescriptions
- Time: both continuity of service and duration of interventions

Each of these are now considered in more detail:

### ***Strong and adaptive leadership and co-ordination***

Behind most successful management is a key individual who goes above and beyond their duty to co-ordinate and negotiate relations between parties. This leadership role is not only required in setting up environmental stewardship schemes but also for ongoing management between multiple stakeholders. This may be provided by a committee with the Forest Trustees or via the Estate as on Danby. Who takes the role will depend on the circumstance of each setting and who is available. Problems arise when there is no person or group taking that role or when the person in the role does not have the confidence of the stakeholders.

The case studies demonstrate that while HLS schemes were signed on all sites their existence on paper is not a guarantee of successful outcomes. Also many outcomes are not addressed by the HLS; e.g. visitor management on Long Mynd, commoners and gamekeepers relations on Grouse Moors and the ambitious conservation objectives of the RSPB at Bampton.

While it is unusual for Natural England to take the co-ordinating leadership role the case studies did note the additional difficulties in delivering outcomes when there was no regular contact with Natural England staff as on Bampton where the officer had retired and no replacement engaged.

### ***Good and regular communication***

NGO staff and civil servants are often paid to be at meetings while farmers and owners are not. It is therefore common sense to arrange meetings for the convenience of commoners and owners as they are more likely to attend and contribute resulting in better communications and joint working though it is recognised that not all paid representatives receive extra pay or time off in lieu for evening meetings. Regular meetings were also considered important and preferably should be face to face. Dartmoor, Danby and West Arkengarthdale commons highlighted this point. On the last two sites the good will of the owner in buying drinks or providing refreshments was noted and appreciated – a small gesture can create considerable good will. The root of companionship is the sharing of bread.

The case studies also illustrated examples where current practice could be improved. On The Long Mynd it was noted that few commoners attend the liaison meetings and it was concluded that changing the time and date would make the meetings more attractive. Currently at Bampton there is no forum for commoners to meet with the other key parties in a productive setting and this is leading to a further polarisation of views.

Most communication in Dartmoor is excellent but where it was not the case study showed outcomes are affected. An example is where efforts to progress an innovative payment for ecosystem services for water has not progressed as initially intended. South West Water required data on the improvements to water quality from Peatland restoration to determine the value of payments but this takes years of monitoring to achieve. Additionally delays to monitoring have led to unfulfilled expectations and the situation was further complicated by opposition from a local

NGO. The result of these complications has meant that future development of PES by SWW on Dartmoor is on hold until better information is available.

### ***Effective and well established networks***

Linked to good communication is the benefit of effective and complex networks. Commoners on Dartmoor are well networked and meet each other and other stakeholders in a large number of forums – this has been occurring since the formation of the Dartmoor Commoners Council in the late 1980s. This means the commoners are confident at expressing themselves and also used to interacting with owners, government and NGO representatives. This was considered to be a significant benefit in negotiating Dartmoor Farming Futures which seeks to improve benefits for biodiversity and farming.

### ***Respectful attitudes***

Danby highlighted ‘attitude’ as the key attribute of success. In the North York Moors there are several commons with similar characteristics but different personalities involved and varying measures of success. When asked what makes Danby work well the workshop concluded it was the attitude of the local facilitator and other parties towards each other’s that made the difference. The mutual respect shown by the commoners, owner, Natural England, parish council etc. enabled difficult decisions to be taken.

### ***Clarity on rights and outcomes***

Some outcomes have a statutory basis such as the protection of SSSIs, SACs and Scheduled Monuments as well as the ‘Right to Roam’. Other outcomes have a legal status but are less clear cut. The Habitats Directive Article 6 requires countries to maintain and restore designated sites but there is no binding timetable for achieving this though Biodiversity 2020 has policy targets. Similarly commoners have registered common rights but the exercise of these can be constrained on designated sites in the public interest as can owners’ legal right to burn moorland.

Clear understanding on the relevant stakeholders rights and responsibilities to receive and deliver outcomes was highlighted in the case studies as an important attribute of successful management. The complexity of upland management means that where people do not understand other stakeholders’ objectives or do not understand the practical consequences of how others outcomes are delivered then tensions – perceived or real- can arise. Furthermore some stakeholders do not understand their own rights or responsibilities which can exacerbate tension.

Once a full understanding of each stakeholders rights and responsibilities is reached a place based approach to deciding on appropriate outcomes can be started for that common. It is not simply enough to note each stakeholders’ respective targets –a set of agreed outcomes is required to ensure prescriptions and interventions are optimally set otherwise ownership of the process by key users is less likely. A useful example is Dartmoor’s Farming Futures which built its objectives on an earlier visioning exercise.

### ***Trade-offs negotiated fairly***

A repeated theme from the case studies is balance and trade-offs between outcomes. The challenge is how to agree what trade-offs are acceptable and fair.

Making a trade-off does not necessarily mean compromising end targets but an acceptance that your outcomes can be delivered differently and that other outcomes have value.

As part of the process of negotiating trade-offs imbalances of power (and perceived imbalance of power) should be identified. For instance Natural England hold the purse strings for HLS and have statutory powers, landowners can refuse to sign the common land application except on certain terms and large conservation NGOs and water companies have political influence. Explicitly addressing imbalances of power is not being recommended as part of an idealistic objective to make the world a fairer place but because agreements pushed through by the use of power rarely deliver the optimum suite of outcomes in the long term. As part of this process an early identification of win-wins and non-conflicting outcomes is valuable to maximise common ground.

### ***Fair and transparent administration of schemes***

All five case studies receive significant payments at six month intervals and someone needs to take responsibility for distributing the funds promptly to the beneficiaries. This is subject to their compliance with the internal (participation) agreement binding all parties in the HLS. On Long Mynd & Bampton this role is undertaken by an independent land agent, on the two grouse moors the common owners' agents take the role while on The Forest in Dartmoor due to the scale of the scheme staff are employed by the Trustees. There are two key factors – is the person in the role efficient and are they trusted and perceived as impartial in this role? They may not be independent but if they act impartially then they will be respected.

The other aspect of administration that impacts on trust and the delivery of outcomes is the role of the Rural Payments Administration and Natural England in administering the HLS. The complex and unilaterally changing rules concerning woodland options and capital payments as well as the increasingly unpredictable dates when payments are received are off-putting. These deter participants from developing ownership of the schemes and hence a commitment to the public outcomes.

### ***Payments that reflect contributions and benefits***

Where those that benefit from an outcome do not contribute towards it then resentment can arise. Similarly when stakeholders bear the costs but do not accrue any benefits (financial or otherwise). This came through in Dartmoor with regard to the benefits South West Water receive but where a mechanism to pay for this delivery has yet to be established. Similarly in Long Mynd visitors enjoy free access while the National Trust incur substantial costs of managing access but cannot collect money from visitors nor do they benefit from the HLS. Payments are considered a necessary evil for as expressed in Dartmoor while they are recognised as essential the management and division of funds often results in tension and disputes. In Danby it was noted the payments are (more than) sufficient to avoid disputes but on other commons where significant reductions in sheep numbers were required the distribution of payments was a stumbling block to achieving agreement and improved outcomes for biodiversity and water.

### ***Use of local knowledge and local discretion over prescriptions***

In all the case studies there is a longevity of management whereby commoners and usually the owner of the common have managed the common for decades and often generations. Successful outcomes respect and use this local knowledge to plan management interventions. The most striking example is Dartmoor where local knowledge was used in their visioning exercise and as a result through Dartmoor Farming Futures a tailor made Environmental Stewardship scheme was designed and now overlays the 'official' HLS/UELS. Farming Futures is a scheme based on outcomes where the commoners do not have to seek derogations from Natural England but instead determine the prescriptions themselves. In other case studies such as Danby the negotiations with the commoners and owner also integrated local knowledge with ecological data to produce the management prescriptions though there as on the others the HLS prescriptions are set.



#### **Time:**

Time cropped up repeatedly as something that was required. There were three key aspects:

Firstly effective negotiations take a long time, The Forest of Dartmoor study revealed the importance of allowing enough time to negotiate robust schemes that the participants are committed to rather than thrusting prescriptions on unwilling parties. The Long Mynd HLS took ten years to negotiate while the Bampton HLS was late starting due to the complexity of negotiations for which insufficient time had been allowed.

Secondly governance arrangements that have been in place for a long time bringing together key parties tend to be more robust and effective. Danby is the extreme example where the Court Leet has been meeting in the same room since the fourteenth century but West Arkengarthdale and The Forest of Dartmoor also

have well established governance arrangements. In the Long Mynd the lack of an effective forum that attracts commoners and other groups was highlighted and this type of forum is also absent at Bampton.

Thirdly the continuity of service by committed effective individuals was highlighted as a key factor in delivering successful management. On several case studies individuals were named as being key to the success of the common in their 'championing' role.

## **Summary from the Case Studies**

The cases studies demonstrate that successful management is characterised by mutual understanding and strong relationships. There is a recognition that if your aims impact negatively on others then those people are likely to feel negatively towards you and your objectives. Building trust takes time while destroying it happens all too quickly as seen in Bampton where some stakeholders' objectives are perceived as threatening other outcomes and there is a leadership vacuum in addressing the contested objectives for the common.

In Long Mynd good relations and understanding between many stakeholders have been established and are highly valued in enhancing management of the common. Their challenge remains building effective relations between the farmers and other users as the current Liaison Group does not yet achieve this. Action on this has now been instigated as it is recognised as a necessary step if further improvements to habitat management are to be achieved.

West Arkengarthdale is an example where the owner has embraced the HLS even though it constrains their burning regime knowing that the reduction in sheep numbers achieved through HLS payments more than compensates for the negative implications of longer burning rotations. Similarly the commoners said that if there were no HLS the number of graziers would probably be three rather than ten; the HLS income has become essential to their business model. This is a classic case where trade-offs may require adjustment of plans but can bring greater long-term gains to multiple outcomes as well substantial good will. At an organisational level this is well expressed in Natural England's 2014-19 corporate plan;

*.... It demands a change in mind set - away from a sometimes over precautionary approach towards one that is prepared to take risks and sustain some losses in order to secure greater gains.<sup>4</sup>*

Natural England implemented this approach on The Forest of Dartmoor through Farming Futures where no stocking calendars are prescribed by Natural England. Instead the graziers know and understand the biodiversity outcomes they are aiming to deliver though interestingly still use self-imposed

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<sup>4</sup> Natural England Corporate Plan 2014-2019  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300746/ne-corporate-plan-2014-2019.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300746/ne-corporate-plan-2014-2019.pdf)

stocking calendars. The difference is these are adjustable and the Forest of Dartmoor Trustees are in control and are building ownership of the delivery of public goods.

The need for structured governance of commons management has been recognised since the thirteenth century by the activities of manorial courts. The Court Leet in Danby is an example of how governance can adapt over time to changes in external and internal demands while retaining the best aspects of tradition. It is adaptive management in action that respects the delivery of multiple outcomes to a range of beneficiaries. That said the Danby workshop recognised that good governance structures themselves are not sufficient in themselves. Rachel Pickering's conclusion in the Danby Case Study is a fitting summary of the case study findings.

*Danby Moor Common has just as many issues as any other moor but it is the attitude with which they deal with those issues which makes it successful.*

## 6. What Next? How to Increase Resilience?

Following the completion of the case studies senior representatives from the project partners met in London in June 2014. The aim was to consider the findings from the case studies and use these to inform a discussion on the three objectives of the project. Their comments are provided in Appendix 1.

Drawing together the attributes of success and the reflections of the senior representatives **the overall conclusion is that respectful and long enduring relationships between individuals and groups are at the heart of delivering better outcomes on upland commons.**

More specifically:

1. We require a relationship approach to management of the uplands– how do we encourage better relations between different sectors who may have competing interests? These relations occur at different levels, between and within stakeholder groups.
2. We need to agree what success looks like - Those commons where there is a sense of contentment with the current direction of travel often had an agreed vision of what success means. This is an essential step in implementing management that delivers outcomes that meet the range of stakeholders' interests which will need to be relevant to each area.
3. We would benefit from explicitly addressing current tensions around land management in the uplands – What are the causes behind tensions? Are the tensions intractable or resolvable?
4. We concluded there are risks to the delivery of future multiple and better outcomes

The risks identified by the senior representatives included:

- I. The continuation of an appropriate agri-environmental scheme is essential to the delivery of a broad range of outcomes as it is the glue that holds a common together bringing people together and catalysing change. On these five commons alone the annual agri-environment scheme payment exceeds £2 million.
  - II. Private payments for ecosystem services cannot over the next ten years be expected to fill the expected reduction in public funding. Continued state funding is required until alternative sources are properly developed and operational.
  - III. As we move to new schemes there is a risk of a two tier system with designated sites being in schemes while on non scheme land people may either intensify use or alternatively abandon grazing.
  - IV. Change in rules on Bovine TB testing on commons may reduce numbers of cattle on commons thereby reducing biodiversity and agricultural outcomes
  - V. Political changes in Britain's relations with Europe?
5. Payments for Ecosystem Services, whether from the state or the market, need to provide a fair reward to commoners and landowners.  
Data is required on the economic impacts from the management of common land on the flow of public goods to determine a proper reward for delivering these goods.
6. Should we be more honest about what some payments are for? What are the objectives of Pillar 1 and Pillar 2 support payments? Since the 1975 Mountain and Hill Farming Directive (75/268/EEC) the EU has made payments to hill farming communities across Europe. We should recognise Environmental Stewardship is part of this package of support.

### **Recommended Actions to Increase Resilience**

The above concluding remarks are here collated under the two objectives of the study that relate to increasing resilience of governance.

#### **1. Better outcomes for each stakeholder are delivered simultaneously on the same area of upland common**

This occurs most successfully when time has been taken to establish effective relationships between the multiple users of common land. Good communication, the commitment of individuals in leadership roles and the existence of effective and long-standing governance structures and networks are key attributes of success. Environmental stewardship schemes were essential in catalysing change in management practice to deliver the better outcomes. Sustained delivery of multiple outcomes is more likely when commoners and landowners are given local discretion over management prescriptions within an agreed framework and sufficient time is allowed to agree a clear vision for the site.

*Actions:*

- i. Where conflict is affecting the delivery of outcomes provide mentors from other commons and/or a trusted independent facilitator to build local capacity.
- ii. Accept that a single agenda / target approach to management is unlikely to succeed as other stakeholders will feel marginalised. Instead embed a shared vision of outcomes as a requirement in future stewardship schemes.
- iii. Arrange visits to commons where multiple outcomes have been successfully delivered e.g. to see grip blocking that works for agricultural interests to learn by example.
- iv. Provide guidance and tailored training on the good governance of commons agreements.
- v. Provide guidance tailored to a range of audiences in the uplands on negotiating skills and relationship management where multiple outcomes are sought. These need to encourage adaptive management rather than prescriptive solutions.
- vi. Provide training on these findings for Natural England Staff as part of their 'Licence to Operate'

**2. The respective rights and responsibilities of all parties active on common land are understood and recognised and then incorporated into management practice**

Where all parties understand the range of legal rights over common land a mutual understanding and respect occurs (Short 2008). Commons that have mechanisms and structures that encourage listening to each other and the development of trust are more likely to respect each other's positions and each other's knowledge. This clarity on rights and responsibilities leads to the more effective use of local knowledge, the ability to negotiate trade-offs better and the fairer administration of schemes. All these attributes characterise better outcomes for public and private interests (Short and Dwyer 2012).

*Actions:*

- i. Ensure the appropriate use of incentives, regulations and enforcement that reflects the complex range of rights and responsibilities for common land
- ii. Noting the requirement for fair and transparent administration and the need to negotiate trade-offs fairly have minimum standards for governance structures and the distribution of public monies.
- iii. Reflecting on the evidence that successful commons have governance systems that have been in existence for decades, if not centuries, allow plenty of time for negotiations and changes to management practice. Unrushed change delivers longer lasting sustainable outcomes.

## 7. Conclusion

The research undertaken with stakeholders in five upland areas of England has provided clear evidence of what attributes are required to deliver multiple outcomes concurrently on commons. Four of the five case studies can be considered to be well functioning and delivering across the suite of outcomes with effective relationships between stakeholders. In one (Bampton at Haweswater) several of the attributes identified were missing and the consequences were clear with tension between parties increasing as the void in leadership, good communication and agreed outcomes became apparent.

None of the co-ordinators or stakeholders involved were familiar with the literature of common land governance, adaptive co-management or institutional structures yet the findings are extraordinarily resonant with well established findings for managing common land from other areas of the world (Armitage et al. 2009), (Olsson, Folke and Berkes 2004), (Shepherd 2008).

The next step planned by the partners is to roll out these findings through a practical project to take this learning and apply it across a wider range of upland commons and engage the public with the benefits from commons. Funding is being sought for this work.



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## Appendix 1: Table of Case Studies

	Forest of Dartmoor	Danby	Long Mynd	West Arkengarthdale	Haweswater (Bampton)
<b>National Park / AONB</b>	Dartmoor NP	North York Moors NP	Shropshire Hills AONB	Yorkshire Dales NP	The Lake District NP
<b>Biodiversity Designations</b>	SSSI / SPA / SAC	SSSI / SPA / SAC	SSSI	SSSI / SPA / SAC	None
<b>Size (ha)</b>	11,000 ha	4,700 ha	2,200 ha	5,600 ha	2,600 ha
<b>Ownership</b>	Duchy of Cornwall (95%)	Private Estate	National Trust	Private Estate	United Utilities
<b>Governance Structures and Date of Establishment</b>	Statutory Commons Council (1986) and Forest of Dartmoor Trustees (2001)	Court Leet (since 13 <sup>th</sup> century and in current form since 1656)	Commoners Association from late 1990s and the Long Mynd Liaison Group	Moor Committee (since late 1980s)	Commoners Association (1960s)
<b>Agri-environment history</b>	ESA (2001-2011); HLS customised through Farming Futures (2012-)	Individual English Nature agreement for each grazier (2003-2008) group HLS (2008-)	ESA (1999-2009) followed by HLS (2010-20)	CSS (2000-2010) & a WES followed by HLS (2010-)	ESA (2000-2010) followed by HLS (2011-)
<b>Stocking Changes</b>	Significant reductions through ESA and now a flexible outcomes based stocking calendar	Increased stocking levels to address problem of destocking	Reductions for ESA/HLS from 12,000 to 3,000 sheep	Reductions for CSS and HLS	Reductions for ESA and again for HLS